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Congressional Record

SEVENTY-SECOND CONGRESS, FIRST SESSION

SENATE

FRIDAY, JUNE 24, 1932

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., LL. D., offered the following prayer:

Be merciful unto us, O God, be merciful unto us, for our soul trusteth in Thee, and under the shadow of Thy wings shall be our refuge until this tyranny be overpast. Deal tenderly with our land, the branch of Thy planting, the work of Thy hands; and though the eye of sinful man Thy glory may not see, grant unto us, Thy children, the abundance of Thy pardon as we humbly confess our sins unto Thee. In particular we beseech Thee to bless the Members of the Congress. Give them wisdom to discern and courage to do whatever is needful in these days, wherein the souls of men are sorely tried, that sorrow and suffering, want and distress being relieved in our midst, Thy people may again find peace and joy in serving Thee with a quiet mind. We ask it in the name and for the sake of Him who is ever our Exemplar and Redeemer, Jesus Christ, our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the calendar days of Tuesday, Wednesday, and Thursday, June 21, 22, and 23, 1932, when, on request of Mr. Fess and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

Ashurst	Copeland	Jones	Robinson, Ind.
Austin	Costigan	Kean	Sheppard
Bankhead	Couzens	Kendrick	Shipstead
Barbour	Dale	King	Shortridge
Barkley	Davis	La Follette	Smoot
Bingham	Fess	Logan	Steiwer
Black	Fletcher	McGill	Stephens
Blaine	Frazier	McKellar	Thomas, Idaho
Borah	George	McNary	Thomas, Okla.
Bratton	Goldsborough	Metcalf	Townsend
Brookhart	Gore	Moses	Trammell
Broussard	Hale	Norbeck	Vandenberg
Bulow	Hastings	Norris	Wagner
Byrnes	Hatfield	Nye	Walcott
Capper	Hawes	Oddie	Walsh, Mass.
Caraway	Hayden	Patterson	Walsh, Mont.
Carey	Hebert	Pittman	Watson
Connally	Howell	Reed	White
Coolidge	Johnson	Robinson, Ark.	

The PRESIDENT pro tempore. Seventy-five Senators having answered to their names, a quorum is present.

REPORTS OF COMMITTEES

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 4049) for the relief of John H. Day, reported it without amendment and submitted a report (No. 902) thereon.

Mr. COOLIDGE, from the Committee on Claims, to which was referred the bill (H. R. 2161) for the relief of Nelson E. Frissell, reported it with an amendment and submitted a report (No. 903) thereon.

He also, from the same committee, to which was referred the bill (H. R. 4885) for the relief of Kenneth G. Gould, re-

ported it without amendment and submitted a report (No. 904) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 465) for the relief of William H. Holmes, reported it with amendments and submitted a report (No. 905) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

H. R. 3414. An act for the relief of Ellen N. Nolan (Rept. No. 906);

H. R. 3604. An act for the relief of Same Giacalone and Same Ingrande (Rept. No. 907); and

H. R. 3811. An act for the relief of Lela B. Smith (Rept. No. 908).

Mr. HOWELL also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1738. An act for the relief of Catterina Pollino (Rept. No. 909);

S. 4327. An act for the relief of Lizzie Pittman (Rept. No. 910);

H. R. 756. An act for the relief of R. L. Wilson (Rept. No. 911);

H. R. 3693. An act for the relief of William Knourek (Rept. No. 912); and

H. R. 3812. An act for the relief of the estate of Harry W. Ward, deceased (Rept. No. 913).

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 2571) authorizing adjustment of the claim of the Pennsylvania Railroad Co., reported it without amendment and submitted a report (No. 914) thereon.

He also, from the same committee, to which was referred the bill (S. 2863) for the relief of Karim Joseph Mery, reported it with an amendment and submitted a report (No. 915) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 2349) for the relief of the First Camden National Bank & Trust Co., of Camden, N. J., reported it without amendment and submitted a report (No. 919) thereon.

Mr. BARBOUR, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 8980. An act to provide for the sale of a portion of the site of the post-office and customhouse building in Newark, N. J., to the city of Newark for use as a public street (Rept. No. 916); and

H. R. 8981. An act to provide for the sale of an easement for a railway right of way over the post-office and customhouse site at Newark, N. J. (Rept. No. 917).

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2774) to amend an act to increase the efficiency of the Veterinary Corps of the Regular Army, approved June 28, 1930, reported it with an amendment and submitted a report (No. 918) thereon.

Mr. REED, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 179) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Tish-eng Yen, a citizen of China, reported it without amendment and submitted a report (No. 920) thereon.

Mr. CAREY, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4068. An act to authorize the award of a decoration for distinguished service to Harry H. Horton, formerly private, first class, Medical Detachment, One hundred and forty-eighth Field Artillery, American Expeditionary Forces, in the World War (Rept. No. 921); and

S. 4597. An act to restore to their former retired status in the Regular Army of the United States persons who resigned such status to accept the benefits of the act of May 24, 1928 (45 Stat. 735), and for other purposes (Rept. No. 922).

Mr. AUSTIN, from the Committee on Military Affairs, to which was referred the bill (S. 2283) for the relief of Otto Christian, reported it without amendment and submitted a report (No. 923) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 1860) for the relief of Leonard Theodore Bolce, reported it without amendment and submitted a report (No. 924) thereon.

RELIEF OF PERSONS IN BALTIMORE AND HARFORD COUNTIES, MD.

Mr. HOWELL, from the Committee on Claims, reported a resolution (S. Res. 250), as follows:

Resolved, That the bill (S. 4415) entitled "A bill for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and the representations of the Government made in connection therewith and report to the Senate in accordance therewith.

EXECUTIVE REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Post Offices and Post Roads, reported favorably sundry nominations of postmasters.

Mr. HEBERT, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Walter C. Price to be postmaster at Huntington, W. Va., in place of C. R. Varnum.

Mr. REED, from the Committee on Military Affairs, reported favorably sundry nominations of officers in the Regular Army.

Mr. HALE, from the Committee on Naval Affairs, reported favorably sundry nominations of officers in the Navy.

Mr. NORBECK, from the Committee on Banking and Currency, reported favorably the nomination of Gardner Cowles, sr., of Iowa, to be a member of the board of directors of the Reconstruction Finance Corporation for the unexpired portion of the term of two years from January 22, 1932, vice Charles G. Dawes, resigned.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 4930) for the relief of Avery G. Constant; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 4931) granting an increase of pension to Sarah M. Williams; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 4932) to repeal section 2 of Public, No. 242, Sixty-fourth Congress, being an act making appropriations for the support of the Army, and approved August 29, 1916, and relating to the establishing of a council of national defense; to the Committee on Military Affairs.

By Mr. METCALF (by request):

A bill (S. 4933) to encourage and promote education; to the Committee on Education and Labor.

RESTRICTION ON EMPLOYMENT OF ALIENS

Mr. ASHURST introduced a joint resolution (S. J. Res. 184) proposing an amendment to the Constitution of the United States, which was read twice by its title.

Mr. ASHURST. Mr. President, I ask unanimous consent to address the Senate for two minutes upon the joint resolution.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Arizona will proceed.

Mr. ASHURST. Mr. President, the joint resolution reads as follows:

Nothing contained in Article XIV of the amendments to this Constitution shall interfere with the rights of the States to restrict the employment of aliens within their respective boundaries.

In 1914 the State of Arizona adopted a measure, the operative parts of which read as follows:

Any company, corporation, partnership, association, or individual who is or may hereafter become an employer of more than five workers at any one time in the State of Arizona, regardless of kind or class of work or sex of workers, shall employ not less than 80 per cent qualified electors or native-born citizens of the United States or some subdivision thereof.

This measure adopted by Arizona was, by the Supreme Court of the United States, in the case of *Truax v. Raich* (239 U. S. 33, et seq.), declared to be in conflict with the fourteenth amendment to the Constitution, and therefore invalid.

I do not, of course, expect action on the joint resolution at this session of Congress, but I ask the country, and especially the Senate, to study the same so that during the next session we may consider the resolution.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENT TO CONSTITUTION—ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. COOLIDGE. Mr. President, I desire to introduce a joint resolution providing for an amendment to the Constitution of the United States. The proposed amendment provides for the election of the President and the Vice President of the United States by direct vote of the people.

I am sure that under the present system of electing the President and the Vice President, many of our people do not realize for whom they are voting. That there is a strong sentiment against the present party machinery is evidenced, in my opinion, by the lack of interest shown by the voters who fail to exercise their right of franchise on election day.

I appreciate the importance of the proposed change which is provided for in this joint resolution. Under the present system a voter has no choice in the selection of the candidate for Vice President; that is, if he should vote for the Democratic candidate for President his vote is counted for the Democratic candidate for Vice President.

This generation is taking a greater interest in candidates and political questions than ever before. Under the present system the voters have very little to say as to whom their candidates will be for these offices. If the election of President and Vice President were by direct vote of the people, greater independence would be enjoyed by the voter.

Mr. President, I intended to introduce this joint resolution earlier than this, but I did not have it prepared. I intended to send it to the platform committee of the Republican National Convention, and also to the platform committee of the Democratic National Convention, and have them consider it and possibly incorporate it in the platforms of those conventions.

This joint resolution is being introduced with an earnest desire on my part that it receive favorable consideration from the Congress.

The joint resolution (S. J. Res. 185) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. KING submitted an amendment intended to be proposed by him to House bill 12443, the second deficiency ap-

appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 4, after line 25, insert the following new paragraph:
 "International economic conference: For payment of expenses of delegates from the United States to any conference called by any foreign nation during the fiscal year ending June 30, 1933, for the purpose of considering economic and world monetary questions, including restoring silver to a proper monetary status."

REMOVAL OF BOSTON & MAINE RAILROAD EMPLOYEES

Mr. WAGNER submitted the following resolution (S. Res. 251), which was referred to the Committee on Interstate Commerce:

Resolved, That the Interstate Commerce Commission be, and it is hereby, requested to investigate the circumstances surrounding an order issued by the Boston & Maine Railroad, which became effective on November 18, 1931, and which resulted in the removal of the switching, clerical, roundhouse, and other railroad employees from Rotterdam Junction, N. Y., to Mechanicville, N. Y., and the practical abandonment of the community of Rotterdam Junction, and that a report of the investigation, including an estimate of the losses suffered by the railroad employees and a determination of the effect of the order upon the general welfare of the community of Rotterdam Junction be submitted to the Senate on December 5, 1932.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12445) to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by authorizing and expediting a public-works program and providing a method of financing such program; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLLIER, Mr. CRISP, Mr. RAINEY, Mr. TREADWAY, and Mr. BACHARACH were appointed managers on the part of the House at the conference.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on June 23, 1932, the President approved and signed the following acts:

S. 1153. An act to provide for the incorporation of credit unions within the District of Columbia; and

S. 4614. An act to amend section 14 of an act entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," approved May 25, 1926 (44 Stat. 636), as amended (46 Stat. 249).

"CONGRESS AND THE COUNTRY"

Mr. ODDIE. Mr. President, I ask permission to have published in the RECORD an interesting and instructive radio address made by Senator CAPPER on June 22, 1932, over the National Broadcasting System.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Friends in the radio audience, before you and I start this little talkfest about Congress and the country, perhaps I should tell you a little about myself, so you may understand the background against which my impressions of things as they happen to be to-day are etched.

I am a native of Kansas. I started in business as a printer; still carry my union card. I became a newspaper reporter; then owner, editor, and publisher of newspapers and farm papers.

Economically, my background is strictly agricultural. Kansas is an agricultural State. After two terms as Governor of Kansas I was elected to the United States Senate in 1918. In the years that have followed I have been associated with the farm group in legislation pertaining to agriculture; have been chairman of the Committee on the District of Columbia, member of the Committee on Agriculture, member of the Committee on Foreign Relations.

I come of Quaker stock, and do not believe in war. Politically, I always have been a Republican; am now a Republican; expect to continue to be a Republican. I am a dry and believe in national prohibition.

Perhaps this background may explain some of the views which I hold. There are some who believe such views require explanation.

With the additional explanation that I am not much of a hand at speech making but am very fond of talking things over with other folks, I expect to get away from referring to myself during the few minutes that you and I are to spend together discussing

the present session of Congress. If you don't mind, there will be no speech. We will just talk things over, as if we were sitting on the front porch this warm evening—probably in our shirt-sleeves—trying to figure what all this trouble is about. We may not get anywhere, but we can get some ideas off our chest.

If the average citizen were asked point-blank what Congress has done in the last seven months he would probably say, "Nothing, except cause more grief." And he would be perfectly sincere in that statement.

He might add the pious wish that Congress would adjourn and go home and allow the country to right itself. And he would be perfectly sincere in that statement also. I know lots of folks feel that way about it. And you and I can not blame them. When we look at the fix the country is in, and figure out there is no excuse for its being in that fix, the first thing to be done is to place the blame. And as Congress is popularly supposed to run the country—under the direction of the President and the newspapers and with the guidance of the Supreme Court—what is more natural than to blame Congress?

Personally I do not believe Congress is entirely to blame for the world depression. But, then, neither do I believe that President Hoover brought on the world depression. As a matter of fact, my friends, no one person, no set of persons, brought on the world depression intentionally.

But something did cause the world depression. If we just knew for sure what it was, perhaps we could do something about it; certainly we would try—and we are trying. Right now the thing is as bad as the weather, about which, I believe, Mark Twain once commented that everyone talked about the weather but no one ever did anything about it.

However, as a matter of fact, men do not cause weather conditions; there is little doubt but that this depression is man made. And I do believe something can be done about it; some things have been done. A lot of things will have to be done when we get out of this one to prevent our tumbling into another one in the near future.

Now, just look at the United States, at its people, its natural resources, its wealth, the material progress it has made—and then look "where we are at," to use an inelegant but perfectly intelligible expression.

Let us start out with a few basic facts before we get down to brass tacks in discussing the relation of Congress to the country. Then take a look at our system—or lack of system, in the economic sense—and then search for some causes of our troubles. Seems to me that is the first thing to do in trying to remedy a bad situation. Figure out the situation, look for the causes, then search for a solution.

We think of the United States as a pretty big place. And it is. We think there are a lot of people in the United States. And there are—some 120,000,000 of us.

But, after all, only 6 per cent of the population of this world is in the United States. Only 6 persons out of 100; only 1 of every 16 in the world live in these United States of America.

But let us see what this 6 per cent of the world's population were doing—what they had—the year before the panic of 1929 started.

This 6 per cent of the world's population consume 15 per cent of the wheat consumed in the entire world, 23 per cent—nearly one-fourth—of all the sugar consumed in the world.

We drink 51 per cent—more than one-half—of the coffee drunk in the world, use 26 per cent of the cotton, 72 per cent of the silk, 17 per cent of the wool, 66 per cent of the rubber, 43 per cent of the pig iron, 36 per cent of the lead, 35 per cent of the zinc, 46 per cent of the tin, 39 per cent of the coal, 61 per cent of the petroleum, 35 per cent of the water power, 40 per cent of the electrical energy.

We—we 6 per cent of the population of the world—own three-fourths of the autos in the world; we use 60 per cent of all the telephones; we send 25 per cent of the telegrams; we mail 35 per cent of the pieces of mail delivered all over the world; we handle 38 per cent of the freight tonnage.

To-day there are in the United States enough foodstuffs in storage to last us about one year; there is enough clothing to last us a year; we apparently have inexhaustible sources of heat and light and power.

But in the face of these facts, with all this wealth, with all these commodities, with all these things—

We have surplus foodstuffs; we have breadlines in most of our big cities.

We have plenty of work to be done; we have 10,000,000 unemployed.

We have plenty of gold, and the business of the country facing bankruptcy, the people facing insolvency, want, ruin; the Government worrying about balancing its Budget.

Why this condition?

That, my friends, is what the people can not understand; and when Congress met last December the people naturally turned to Congress for relief.

But this country had some liabilities, so to speak, that tended to offset the assets, the favorable factors we have been talking about.

You remember we had a World War some 15 years ago. Between 1914 and 1919 the civilized people of the world shot away billions and billions of dollars worth of property, of accumulated capital. That capital, that wealth, was just completely destroyed.

We did our share of the destruction, considering the short space of time we actually were engaged in the war.

In addition we expended, including loans, some \$26,000,000,000, very few of which have come back to us. That fact alone, it would seem, meant we had to make up by savings out of earnings in the years following the war.

But apparently we did not recognize this as a fact; we are dodging the realization to-day; still expecting and hoping to get some of those billions back.

Some other things had happened to us as direct and indirect results of the war. We had got what we fondly and proudly termed the "investment habit." As a matter of fact it was more of a speculation habit, a gambling habit. We believed, and there were plenty of salesmen to help us believe, that wealth would come to us from investing in scraps of paper instead of through production and saving. We evolved a strange economic theory, the theory of mortgaging the future and spending future earnings to-day—and we called it the new economic era.

We fondly believed and proudly bragged that in effect we had discovered how to eat our cake and have it, too—by borrowing. Of course, we did not call it borrowing. We capitalized the future; corporations capitalized possible prospective earnings 10, 20, 30 years ahead and issued beautiful certificates based on those capitalizations of future prospective earnings.

We, the people of the United States, issued our own notes—capitalizing our own future earnings, borrowing on the strength of future prospects—and traded the credits we received at the bank for these pretty certificates. In all we must have traded some \$70,000,000,000 of I O U's for \$70,000,000,000 worth of beautiful certificates.

In other words, we had inflation, speculation, a mad frenzy of gambling in securities. We pyramided, and pyramided, and pyramided, and made paper profits the like of which never were seen nor imagined before. And to cap the climax, on the strength of trading our I O U's for I O U certificates, we bought on the installment plan, still further pledging our credit, extending our borrowings.

The break threatened to come in 1920. We postponed at that time reaping the whirlwind from the winds we had sown, by deflating agriculture. We deflated agriculture some thirty-two billions of dollars, thereby forcing the farmers of the country to mortgage their farms, their futures, to retain their land and their purchasing power. And the money lenders of the country lent credit to the farmers, taking promises to repay cash for that credit, just as they lent the rest of us credit, upon promises to repay in cash, for our speculations in securities.

We bought everything, and bought on time. We bought autos, and radios, and clothing, and necessities, and luxuries, rainbows, and blue sky—principally we bought securities.

We traded promises to pay for credit, for still more credit. But we promised to pay in cash, where we got credit only in return for our promises to pay in cash.

At the time we borrowed that credit it was as good as cash. We were rich. We felt liberal. We increased our taxes, we issued bonds for public buildings, we granted bonuses, we wanted a schoolhouse on every section of land, auditoriums in every town, new courthouses, new buildings for departments and bureaus in Washington; new bureaus and commissions.

We bought and bought and bought and bought—on credit obtained by promising to repay in cash in the future.

Why not? The new economic era had arrived. We had the Federal reserve system, which furnished credit facilities and guaranteed they were sound. And the money lenders, led by the international bankers hawking foreign securities on every street corner, encouraged us to borrow and spend, borrow and spend, borrow and spend.

We doubled our tax burden in a decade. We tripled our total indebtedness.

But we had a good time while it lasted.

Then the bubble burst, and its iridescent colorings faded into blue sky.

But before the financial bubble burst something else also had happened. Something we can not afford to ignore. Something which adds to our present troubles, but promises also a way out if it is intelligently used instead of abused.

I refer to mass production by machinery. During and following the war we carried on our marvelous development of the machine—in industry, in transportation, in agriculture, in mining, in all lines of production and distribution. We developed the machine to the point where in 7 months we can just about produce everything we can consume in 12 months.

Mass production came, and with it the replacement of man power by machine power.

Unless hours of labor were shortened to offset this increased machine production, there was bound to be unemployment for all workers seven months out of the year, or else unemployment for millions of workers all the time.

The bubble burst in October, 1929; we heard about it, but refused to believe it until along about November, 1931.

By that time we had seven millions of unemployed. We had accumulated debts amounting to \$150,000,000,000. We had run up an annual tax bill of \$13,000,000,000. Our annual interest bill was around \$7,000,000,000.

And that \$70,000,000,000 of "pyramided security wealth"—borrowed from the future to buy the pretty certificates—that had just disappeared. It was part of the bubble.

But the \$70,000,000,000 we had promised to pay in return for the \$70,000,000,000 of credit paid for the pyramided securities still remained on the books. We owed the \$70,000,000,000, and held the sack of securities.

When Congress met in December that really was the situation the country faced.

What the country wanted Congress to do was to restore the \$70,000,000,000 of vanished credit; it wanted Congress to reduce the annual tax burden of \$13,000,000,000; it wanted Congress to insure jobs for the then seven millions of unemployed; it wanted Congress to bring back the "prosperity" of those days when we borrowed and spent, borrowed and spent, borrowed and spent.

Well, Congress just could not do that job. It is going to take time, and work, and scrimping, and intelligent leadership, to bring back the prosperity of before the war. I hope none of us live to see again the false prosperity of the postwar days.

As the people see it, Congress has failed on this job the country wanted done. I am not surprised that Congress is criticized. A good part of its record does not have my own approval. But if we are going to be fair about it we must admit Congress has done some things to alleviate the situation, to help tide through the emergency.

The country insisted upon tax reductions, and justly so. A national income of \$50,000,000,000 can not pay the \$13,000,000,000 in taxes that it could when the national income—on the inflated credit basis—was \$90,000,000,000.

Of the country's \$13,000,000,000 of tax burden, the Federal Government's share was well over \$4,000,000,000. The present session of Congress has reduced running expenses somewhere between five hundred and seven hundred million dollars out of seventeen hundred millions of running expenses aside from fixed charges.

State and local governments are on the way toward tax reductions of 25 per cent. In another year the total tax burden should be down to \$10,000,000,000 a year. It will have to be slashed some more. All Government pay rolls are going to have to take cuts; most of them have done so. I am glad to say we have reduced the salaries of Senators and Congressmen 10 per cent. The reduction should have been at least twice that much.

The National Budget must be balanced. Higher taxes are necessary to do that, but along with them curtailment of expenditures also must come. We have got to eliminate boards and bureaus and commissions. Nonessentials must be discarded. Other activities must be curtailed. An emergency exists. It must be met. I am myself voting for drastic reduction in appropriations. My vote has been cast against appropriations aggregating something like \$9,000,000,000. It is hard to do it, but I think the public interest demands it.

The Federal salary reductions for next year will average 9 per cent, through the adoption of the furlough plan. The furlough plan will, I hope, lead to the national 5-day week. Development of machinery, in my judgment, will require the whole country to go to the 5-day week in industry—perhaps to a 7-hour day. Otherwise we will have millions of unemployed with us, even after we have recovered from this deflation following the inflation.

And in passing I want to state that this country will emerge from this depression. We have too much real wealth, too much intelligence, too much real strength in resources and in national character not to recover from this serious economic illness. But we also will have to learn and profit from this sad experience if the recovery is to be permanent.

Right here I am glad to commend President Hoover for sending word to Geneva that the United States favors a one-third cut in world armaments. This move to reduce the crushing burden of taxation caused by war will meet with world-wide approval. Let me add I was immensely pleased with the renomination of President Hoover and Vice President Curtis. Mr. Hoover has had the most difficult job that ever fell to a President. He has made a great President. No one could have handled it better. He will be reelected by a splendid majority. I am particularly proud of the record made by my fellow Kansan, Charles Curtis.

But, getting back to Congress, tax reduction was not the only emergency relief problem faced by Congress.

Neither I nor anyone else can maintain that this session of Congress attacked the cause of our troubles; Congress merely tried to take care of some phases of the existing emergency. Besides tax reduction, extension of credit was absolutely necessary.

This necessary credit extension was accomplished through the Reconstruction Finance Corporation, for which Congress appropriated \$500,000,000, plus authority to borrow on bond issues another \$1,500,000,000.

The R. F. C., as it is generally known, saved the banking system of the country from collapse; if the banking structure had collapsed, we would be a hundredfold worse off than we are; you may not want to admit that, but I believe it to be true.

The R. F. C. extended credit also to the railroads, to the insurance companies indirectly.

The R. F. C. lent \$75,000,000 to farmer and farm cooperatives. The railroads so far have borrowed \$150,000,000. Four thousand banks have obtained nearly \$500,000,000, some of it already repaid. Seventy per cent of the banking loans, I am informed, have gone to banks in towns of 5,000 or less population.

In addition to economies in government, to extending credit through the R. F. C., Congress has extended \$125,000,000 of credit to the farm land banks; has whacked off large percentages from the regular appropriations bills; and this week is struggling with the problem of direct relief for those in distress. How large that figure will amount to I can not say. It will run into the hundreds of millions; but it will not include—and by all means it should not include—the "pork barrel" public-works program advocated by Speaker GARNER. I believe that is a safe statement to make.

I am glad to commend this Congress for having defeated all proposals to modify or repeal the eighteenth amendment. Both

political parties will declare in their platforms for resubmission of this question to the people. I predict that the eighteenth amendment will again be approved by the people.

Congress performed two courageous actions, for which it is receiving little credit from the country at the present time.

First, it passed a billion dollar tax bill—the tax bill that nobody wanted—to balance the Budget. I do not like the tax bill myself, but it was probably the best that could be done.

Second, it refused to pass the bill authorizing payment of twenty-four hundred million dollars to the veterans, to make immediate cash payment of the bonus due in 1945.

I want to pay my personal tribute to the veterans who marched to Washington urging the cash payment of the bonus. I admire their courage, their forbearance, their manly conduct of that mistaken campaign. As a friend of the veterans, I now would urge them to return home. They will do more harm than good in the long run by remaining. And it is just plainly impossible, at the present time, for Congress to yield to their wishes. To do so would endanger the financial fabric of the country, already strained to the breaking point.

The next Congress, in my judgment, should attack the fundamentals of the problem.

The real issue before the country is food for the hungry, jobs for the unemployed, and better prices for the farmer. Frankly, I am greatly disappointed in the record of this Congress so far as relief for the farmer is concerned. I regret to say there is little prospect of a constructive program coming out of this Congress for improving the condition of agriculture. The plan proposed by the three national farm organizations should have been accepted by Congress. The banks and the railroads got more attention than the farmers.

The next Congress should do what this one has failed to do—recognize the necessity of restoring the purchasing power of agriculture. Wheat is selling to-day in Kansas at the ruinously low price of 25 cents a bushel. Until farm prices rise, prosperity can not and will not return. Congress and the country would do well to recognize this basic fact.

Also the next Congress should tackle the problem of our monetary system; make our money a medium of exchange, not a commodity to be dealt in and speculated on in the money markets. In other words, it should stabilize the purchasing power of the dollar.

To-day the dollar is worth from 30 to 45 per cent more than three years ago. This means that the farmer who borrowed \$1,000 when wheat was \$1 a bushel, now has to sell not 1,000 bushels of wheat to pay it back, but more than 3,000 bushels.

There also is a national menace in the control of the Nation's business through great combinations of wealth, international bankers, pyramided mergers, interlocking directorates, great holding companies, and other devices that are used by the Wall Street gamblers for exploitation of the public through the stock markets—with the effects we see in the existing depression.

Let me say in conclusion that the hundreds of letters I receive every day from farmers, business men, and all classes of people from all parts of the country, tell me the people want Congress to finish its work as quickly as possible and go home. Let me give you the good news, then, that there is every prospect that Congress will adjourn by the latter part of the coming week.

"GEORGE WASHINGTON AMONG HIS BOOKS"

MR. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an address broadcast from station WEAFF by George Seibel, of Pittsburgh, entitled "George Washington Among His Books," which I believe deserves to be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

My friends—and I count every lover of liberty as a friend of mine—it looks as if America had suddenly discovered George Washington. We had nearly forgotten him. But all at once his picture appears everywhere, and he is being approved by people who had barely remembered his name. It seems he was born just 200 years ago, and since he has been conveniently dead for a long time it is quite safe to praise him as our patron saint, though we have departed far from his words and his ways.

A very amusing commentary upon this great American hearsay I heard in an Italian railway train while traveling from Venice to Verona. There was an Italian army officer in my compartment, and we got into conversation. I spoke very rudimentary Italian; he spoke no English or German, but very rudimentary French; so with the rudiments of these two languages we managed to understand each other. He wanted to know about prohibition—and I told him what I knew about it. Then he was very insistent upon finding out how the American people had come to adopt prohibition, and I tried to tell him that. After much laborious explanation on my part, he nodded his head and said in rudimentary French: "I think I understand. It is because ze General Washington is dead a very long time."

To the world Washington remains the great champion of liberty. Schiller, the famous German poet of liberty, had a picture of Washington hanging in the room where he died, in his home at Weimar. But to me Washington is not only the friend of liberty but also the example of calm courage and common sense.

In the past we revered him as a kind of patriotic myth. We still tell the story of the cherry tree and the hatchet, though

it's no more true than the story of Little Red Riding Hood. We tell the story of his kneeling in the snow at Valley Forge to pray, but that, too, is a pious fable invented by Parson Weems.

It has never made much difference to me that Washington swore. I'm sure he always swore at the right people and about things that were wrong. And if he worked on the Sabbath day, I'm sure he always did something that needed to be done. And if he sometimes cast a glance at a pretty girl, who would wish that the general of the colonial armies had been blind?

The historian McMaster has told us that "George Washington is an unknown man." The words are true no longer. We know Washington right well, and we admire him none the less. He had in him something of the character of Don Quixote, with a book of which he was familiar, but his clear vision kept him from tilting at windmills. He also read Pilgrim's Progress, and so he was never afraid of Giant Despair. He read Homer, and so he never sulked in his tent. He may even have read Goethe, for there is a picture from Werthers Leiden on the wall of his bedroom at Mount Vernon.

Let us take a look at the books in Washington's library to judge what sort of man he was. You can tell a man by the books he reads. There's a passage in the second epistle of Paul to Timothy that has always intrigued me: "The cloak that I left at Troas, with Carpus, when thou comest, bring with thee, and the books, but especially the parchments." If we could know what Paul was reading, but we do know what Washington was reading.

When he died there were 863 volumes in his library, a large collection for those days. The largest library in the Colonies, that of William Byrd, had only 4,000 volumes. And when William Jennings Bryan died a few years ago, his library was appraised at less than \$50.

Washington was fond of travel books. On his shelves were not only Cook's Voyages, but 20 volumes in French of an *Histoire Générale des Voyages*.

He was not the hard-fisted and prosaic farmer some imagine. On his shelves were many volumes of the *Annals of Agriculture*, but also the volumes of the *Sentimental Magazine*.

He was fond of history, and among his books was Edward Gibbon's great *Decline and Fall of the Roman Empire*. He was interested in revolutions, it seems, and Gifford's *French Revolution* proves it.

He knew the fate of a republic rested upon the intelligence of the citizens, and so he read Kames on Education. He may have known the mean things Samuel Johnson said about the American patriots, but he used the Doctor's Dictionary just the same.

He read the letters of Voltaire, the wittiest and wisest Frenchman that ever lived. He must have imbibed Voltaire's passion for tolerance and Voltaire's hatred of hypocrisy. Voltaire was the real father of the French Revolution, as Thomas Paine was of the American Revolution. I believe that Paine, the first man who ever used the phrase, "The United States of America," converted Washington to the necessity of independence by his flaming tract, *Common Sense*.

Afterwards this same man, Paine, writing by firelight on a drum-head at Valley Forge, wrote the *Crisis* to inspire the faltering patriots with courage and hope.

Later still, believing that "where liberty is not, there is my country," Paine went to Paris and wrote his *Rights of Man* to defend the French Revolution. He dedicated that work to his friend Washington, and sent him 50 copies, and Washington wrote him a letter of thanks. I have sometimes wondered what became of those 50 copies of the *Rights of Man*. I sometimes wonder what has become of the rights of man anyhow.

At the close of the war Washington wrote a letter to a friend in New York to send him some books. First in the list was a work by Voltaire, Charles XII of Sweden. There was Locke on the Human Understanding, and Goldsmith's *Natural History*. There were lives of Gustavus Adolphus and Peter the Great, Louis XV and Marshal Turenne; historical volumes by William Robertson, then a highly esteemed historian; and accounts of the revolutions in Rome and Portugal. Yes; he liked revolutions, like Jefferson. And Washington added:

"If there is a good bookseller's shop in the city, I would thank you for sending me a catalogue of the books and their prices, that I may choose such as I want."

He even read poetry, and there's a letter he wrote to a lady poetess who sent him a volume in which he himself appeared. He wishes the hero of her poetical talents were more deserving of her lays. And he thinks "the easy, simple, and beautiful strain with which the dialogue is supported does great justice to your genius." Mrs. Stockton, who wrote that pastoral poem, would not have shared the opinion of Thomas Carlyle that Washington was only "a Cromwell with the juice squeezed out."

In fact, among the many things that have come out about Washington we have some verses he himself wrote in his youth. Cromwell in Ireland did no worse.

But Washington was always a patron of literature. When Royall Tyler wrote the first American comedy, the *Contrast*, and it was published in 1790, the name of Washington heads the list of subscribers. He read Shakespeare and often quotes him in his letters. His own copy of Shakespeare is in the Folger Library at Washington, and not very far away in the same show case is the copy which belonged to George the Third. He was a great friend of the theater—always went when he had an opportunity—one well-known picture of Washington shows Thomas Wignell, the actor-manager, lighting him to his box in the playhouse.

When he wanted to give pleasure to his friend, Baron von Steuben, he sent him a ticket to the theater. The organizing genius of Baron von Steuben was needed to win the War of Independence, just like the pen of Thomas Paine. I am going to read the opening sentences of Paine's *Crisis*, because they are a wonderful mirror reflecting the heroic figure of Washington the liberator:

"These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly; 'tis dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as freedom should not be highly rated."

The ringing words of Thomas Paine show how the men of that day wrote—straight from the shoulder—a style we also find in Washington's 10,000 letters. Hypocrisy was not yet the first principle of politics. Men were not afraid to speak their honest thoughts and lose a few votes. They were not yet afraid to laugh at humbugs—and Washington could laugh as heartily as any man, though there is a legend that he never smiled during the entire course of the war.

Washington's own literary style had the lucid vigor of Paine's. You could not misunderstand what he meant. Of course, he has been criticized—and I recall one especially edifying instance of such criticism.

It was during the Great War. I had been asked to prepare resolutions to be adopted at a convention. Wishing to be sure my resolutions would be 100 per cent American, I compiled them from the writings of Washington, Jefferson, Madison, and Lincoln. When the resolutions were published, a patriotic critic tore them to pieces. He held up one piece and said the writer of such ungrammatical nonsense didn't even know English. I was squelched—because that particular piece had been written by George Washington—and I knew I couldn't do as well. But the researches of one student have recently shown that Washington spoke some Pennsylvania Dutch, which may account for his solecisms.

Washington's literary style, and his humor, and his knowledge of human nature all become apparent in a letter he wrote about Martha's daughter-in-law, when she was thinking of marriage. "I never did," he wrote, "nor do I believe I ever shall, give advice to a woman who is setting out on a matrimonial voyage; first, because I never could advise one to marry without her own consent; and, secondly, because I know it is to no purpose to advise her to refrain when she has obtained it."

What matter if he had a red nose and wore No. 13 boots and had badly fitting false teeth; what matter if all the other things are true which "debunking" historians have collected since Lodge gave them the signal? He was a man that men and women could trust, the sort of man our Nation needs to-day. He had the calm courage which is the rarest attribute of greatness. He was not the never-told-a-lie little Lord Fauntleroy that has been painted for us by Sparks and Weems and even John Marshall, who wrote five volumes about Washington and mentioned him only once in the first 400 pages.

We have met many fictitious Washingtons—in the pages of Cooper's *Spy*, in Thackeray's *Virginians*, in Weir Mitchell's *Hugh Wynne*, in Gertrude Atherton's *Conqueror*, in Paul Leicester Ford's *Janice Meredith*, and the human Washington is better than any. Who would not like to see him put upon the stage just as he was? Which reminds me that Washington is the hero of the shortest play ever written in America.

It has three acts. Act 1 is the camp. Enter a soldier to some officers. Says the soldier, "We ain't got no flag. Ain't it fierce?" The officers reply, "It sure is fierce!"

Act 2 is Washington's tent. Enter the same officers. Says one officer, "General, we ain't got no flag. Ain't it fierce?" And Washington replies, "It sure is fierce!"

Act 3 is in Betsey Ross's house. Enter General Washington. Says the General, "Betsey, we ain't got no flag. Ain't it fierce?" Betsey replies, "Yes; George, it sure is fierce! Here, hold the baby, and I'll make you a flag right away."

This Washington is truer than the milksoy of Weems. And the true Washington after 200 years is just beginning to be known and loved.

RADIO ADDRESS BY ISADORE APFEL

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the *RECORD* a radio address delivered by Mr. Isadore Apfel, grand master of the Independent Order of Brith Abraham.

There being no objection, the address was ordered to be printed in the *RECORD*, as follows:

Ladies and gentlemen, I consider it an honor to address this large, unseen radio audience, and desire to express my appreciation to the sponsors of the American Hebrew and Jewish Tribune for affording me this privilege. The American Hebrew and Jewish Tribune is a publication of which we may all be proud for the favorable influence it exerts in disseminating information and in molding public opinion.

The Jews gave evidence of their willingness to care for their needy, their sick, and distressed in America as early as the days

of Governor Stuyvesant, when they were permitted to remain in New Amsterdam, now New York, upon their agreement that the poor amongst them shall not become a burden to the community but be supported by their own people.

The history of Jewish philanthropy in America indicates conclusively how well the Jews have discharged the obligations assumed by them.

It is my purpose in this brief address to point out the influence of Jewish fraternal organizations as an important factor in America in the reduction of community dependency as well as their active cooperation in all truly American activities.

Jewish fraternal organizations in America began to flourish early in the nineteenth century.

They were founded in all instances by a handful of men who migrated from foreign lands to escape from tyranny, oppression, and religious persecution, and settled in this great land of liberty and freedom, enthusiastically accepting the ideals, customs, and laws of our country. Here in America they conceived the noble ideals and purposes for the formation of such organizations.

They were men whose alma mater was the school of experience and the university of life. They were deprived of the benefits of an education either at school or college. They were not possessed of wealth in gold but were rich in noble ideals, purposes, and principles. In their hearts there was overflowing the milk of human kindness as well as a deep-rooted feeling of affection not alone for their coreligionists but for all humanity.

Originally their primary purposes and objects were, that should a member become ill, he would have the benefit of the best medical care and attention and a visit from his fellow members to cheer and comfort him. In case of financial distress a member would receive aid, so that he would not become a public charge upon the community. In the event of death, his widow, children, or parents would receive the benefit of an endowment, thereby giving his dependents sustenance to tide them over, and provision was made for his burial and interment in a Jewish cemetery. The members would also participate in all family functions of joy and happiness. But there was uppermost in their minds the idea of meeting and cooperating with each other for the discussion and solution of their problems as well as to foster Jewish and American ideals.

As time went on they enlarged the scope and sphere of their activities. Mindful of their sisters and brothers who, through misfortune or otherwise, were denied the opportunity of coming to America, they resolved to give relief and assistance to their coreligionists abroad.

And so these small groups of pioneers traveled from hamlet to hamlet, and organized one lodge after another under a grand lodge system, throughout the United States, establishing in one instance over 500 lodges in one single organization operating from Maine to California. They made these fraternal organizations spiritual, patriotic, educational, and humanitarian institutions.

SPIRITUAL

In their rituals are contained the great moral teachings of Holy Writ; to love God with all thy heart, to love thy neighbor as thyself, to be just, merciful, and righteous in their daily acts and conduct and in all their relations with their fellow men.

PATRIOTIC

They exercised a powerful influence, especially during the days of the East European mass immigration period, when Americanization was the supreme aim of Jewish leadership in order to bring the newcomers into harmony with American ideals and institutions, that they might become imbued with the spirit of loyalty and patriotism to their country, which has been manifested by their splendid response to every call for patriotic duty to our Republic.

EDUCATIONAL

Most of these members who were immigrants never enjoyed a school education, but acquired an education in the lodge room through debates, discussions, and the interchange of thoughts and ideas, thereby acquiring knowledge, vision, and wisdom. Many learned their first lessons in English at the lodge meeting. Others acquired their knowledge of parliamentary procedure and decorum at their meetings. Many of our best known public men and speakers have begun their careers modestly in filling an office in their lodge. In fact, a good many Jews learned of American Jewish activities and took an active interest therein through their affiliation with Jewish fraternal orders.

They contributed to the establishment of schools for the education of the youth, so that through study of Jewish literature and Jewish history their children would become imbued with the spirit of Jewish consciousness. A Jewish consciousness makes one not alone a good Jew, but a good American.

They have actively supported the movement resulting in the teaching of Hebrew in New York City high schools.

SERVICE TO HUMANITY

These organizations have paid out millions of dollars to widows and orphans, parents, sisters, and brothers; millions to the sick and the distressed. They have helped in the support and maintenance of homes for the aged, orphan asylums, sanitariums for incurables, hospitals, and all other charitable and philanthropic institutions, many of which admit persons of all creeds and religions.

These fraternal organizations have become affiliated with other agencies such as the American Jewish Congress, the American Jewish Committee, and the joint distribution committee, for the relief of the distressed Jews in other lands. They have contributed

to the establishment of the Jewish homeland in Palestine, which has been established through the mandate of the League of Nations. This mandate and the Balfour declaration were approved by the Congress of the United States. They have assisted in the work of the Hadassah to enable it to maintain hospitals and other health institutions in Palestine.

These organizations increased in numerical strength up to the beginning of the great World War through an influx of members who were immigrants. Now, in the main, the new members are native-born American sons, daughters, and grandchildren of members.

Everlasting praise and gratitude is due to the founders of these organizations who built them upon a solid and lasting foundation, upon which a superstructure must be built as an inspiration to generations yet unborn to perpetuate their noble ideals.

In the United States celebrations have been and will be held from time to time until next Thanksgiving Day to commemorate the two-hundredth anniversary of the birth of George Washington. Jewish fraternal organizations in America are participating in these celebrations to pay homage and tribute to his life and character, and to rededicate themselves to his ideals and to the principles of the Constitution of the United States, which insures to every individual the inalienable right to life, liberty, and the pursuit of happiness.

It is well at this time to revive the spirit of George Washington, so much needed in our universities that are, in European fashion, making efforts to exclude students on account of their race or religion.

The Washington spirit is needed to set aright those who believe and preach that only persons of a certain religion and native-born Americans are the true Americans.

It is in the spirit of Washington that Senator Lodge stated:

"What is it to be an American? Surely, it does not consist in the number of generations merely which separate the individual from his forefathers, who first settled here. There are people to-day whose families have been here for 250 years and who are as utterly un-American as it is possible to be, while there are others whose fathers were immigrants, who are as intensely American as anyone can desire or imagine."

As grand master of the Independent Order Brith Abraham, the largest national Jewish fraternal organization in the world, I shall exert my utmost efforts to obtain its fullest support and cooperation to secure equal rights and opportunities for all, that each man or woman shall be judged on the basis of merit, ability, and American loyalty, and not according to race, creed, or color.

I am confident that all Jewish fraternal organizations will extend themselves to the fullest degree to bring about a better understanding between all peoples, to the end that America shall be what its founders intended it to be, a land of liberty and freedom, with justice for all.

PHILIPPINE INDEPENDENCE

Mr. HAWES. Mr. President, Dr. Jacob Gould Schurman, president of the first Philippine Commission, president of Cornell University, certainly knows the Philippine situation.

His statements in the early days of his appointment and his recent statement this year are worthy of careful consideration by students of this subject.

I ask unanimous consent that his statement, with my interpolations in addition, may be inserted in the body of the RECORD and lie on the table as part of the Philippine discussion.

There being no objection, the matter referred to was ordered to lie on the table and be printed in the RECORD, as follows:

Mr. President, one great American who had a large and important share in the beginnings of American government in the Philippines and who can speak with authority, therefore, about President McKinley's intentions respecting the Filipino people is fortunately still among us. I refer to Dr. Jacob Gould Schurman, scholar and diplomat, who was president of the first Philippine Commission, appointed by President McKinley early in 1899. Doctor Schurman was head of Cornell University when President McKinley selected him for the presidency of the commission. His success in that rôle was subsequently recognized and rewarded by his appointment as minister to China and still later as ambassador to Germany.

Doctor Schurman's acquaintance and sympathy with President McKinley's policies with reference to the Philippines were manifest in all his official attitude and actions while he served as head of the commission. He believed that the Filipino people should have independence just as soon as they were prepared for it, and his experiences with them prompted him to believe that they would quickly demonstrate their fitness. The sequel has vindicated Doctor Schurman's judgment. The Filipino people have made almost unbelievable progress in the last 30 years and have indeed reached the point at which they can learn no more about the right use of independence until they shall come to possess it.

It is significant that Doctor Schurman should be among the most earnest and eloquent advocates of independent nationhood for the Philippines. Only recently he said in a public address in California that the United States should hasten to fulfill its promises to the Filipinos. He has visited the Philippines since the days of the commission and was familiar with conditions there

while he represented the United States in China. His interest in the people of the islands has inspired him to follow their career under American tutelage and he is for all these reasons a good witness regarding Mr. McKinley's purposes, the desires of the people themselves, and their preparedness for undertaking the responsibilities of independence.

Three years after his appointment as president of the first Philippine commission Doctor Schurman delivered an address at Cornell University, to which he had returned. In this address, which was repeated two weeks later—that is, on January 20, 1902—at Boston, Doctor Schurman explained why he discussed the commission and its labors.

"I have other than personal reasons for reciting these details," he said. "They show, in the first place, that President McKinley's motive in compelling Spain to cede to the United States her sovereignty over the Philippine Islands was the humanitarian object of liberating the Filipinos from misgovernment and oppression . . ."

That address is of the utmost pertinence to any present view or policy concerning the Philippines. He had intimate knowledge of President McKinley's hopes and wishes and plans on the subject of the Filipino people's destiny. He had also the benefit of contacts with the Filipino leaders of that day, and of information regarding their aspirations. He could testify, and did testify, authoritatively as to what Mr. McKinley promised and contemplated and as to what the Filipino people expected in the matter of ultimate independence for the islands.

With the approval of Mr. McKinley, we are told in this address of Doctor Schurman, Filipino leaders were assured "that American sovereignty was only another name for the liberty of Filipinos." The commission recommended in its report to President McKinley that, "From the very outset . . . it will be safe and desirable . . . to extend to the Filipinos larger liberties of self-government than Jefferson approved of for the inhabitants of Louisiana" at the time of its acquisition in 1803. All this the commission favored, Doctor Schurman tells us in that address 30 years ago, because "it is to the interest of the Filipinos to have opportunity for a full and independent development of their own individual capacities, their own racial characteristics, and their own civilization." To what end? Doctor Schurman lets us know: "Their own organic life being thus recognized as self-contained and inviolable, when it reaches a degree of maturity qualifying them for independence, a new republic may rise in Asia without any shock to the United States of America."

Senators will remember that when the Jones law went into effect in the Philippines and the public service was being Filipinized there was a good deal of criticism of that policy. There were even hints that it was a dangerous innovation which might lead to contempt and breach of American authority. It was too soon, these critics declared, for that sort of transfer of the functions of the insular government from Americans to Filipinos. As a matter of fact, it was a very tardy compliance with the recommendations which Doctor Schurman and his associates in the first commission had made to President McKinley 16 years before the Jones law was conceived. Doctor Schurman records that "it was clear to us"—members of the commission—"that nearly all the offices in the Philippines ought to be filled by Filipinos themselves." Even that was not the limit of the Filipinization the commission advocated. I quote Doctor Schurman further:

"And it was the opinion of the commission that no American should be appointed to any office in the Philippines for which a reasonably qualified Filipino could, by any possibility, be secured."

This attitude of the commission indicates that even then—32 years ago and when the Philippines had been only 12 months under American control and government—the Filipinos were both competent and trustworthy as public officials.

This address of Doctor Schurman's sheds so needful a light on certain phases of the early relations of the United States with the Philippine people and so forcefully meets the current objections to the grant of independence that I desire to quote at length from it:

"It seems to me that the highest act open to constructive statesmanship in America to-day is to conceive and formulate a wise Philippine policy—a policy which shall be true to the principles of our Republic, accordant with the facts of the situation, definitive and permanent in its character, fitted to shape and color all legislation requisite for its own gradual realization."

Doctor Schurman recounts some of the considerations that should be kept in mind in the process of formulating a Philippine policy:

"I take as a starting point the motives and objects with which we went into the Philippines. . . . Our purpose was not selfish, it was humanitarian; it was not the vanity of self-aggrandizement, it was not the greed of power and dominion; no, no; not these; but altruism caring for the happiness of others, philanthropy relieving the Filipinos of oppression and conferring on them the blessings of liberty. This was the supreme consideration with President McKinley. It was this that touched the vein of sentiment in the American hearts that so overwhelmingly supported him."

Numerous groups urged annexation and retention of the Philippines, Doctor Schurman reminds us. Some of these groups were actuated by benevolence toward the Filipinos. Others were eager only for material advantage.

"Yet it was not these forces singly or in combination that carried the day," Doctor Schurman says. "It was the humanitarian object of liberating the Filipinos from Spanish tyranny and bestowing upon them the boon of freedom that decided the Presi-

dent and the people of the United States to compel Spain to cede to us her sovereignty over the Philippines.

"Fortunate, indeed, that no lower motive prevailed. Any other object than the humanitarian one of carrying the gift of freedom to the Filipinos would have ended in vast and bitter disappointment, or, perhaps, even in poignant remorse. Did we need the Philippines to make our power felt in Asia? No; for we can exert the most potent national influence in all quarters of the world without owning adjacent territory, as our recent experiences in Peking and Panama have demonstrated to the satisfaction of the most incredulous. And had we gone into the Philippines for commercial gain, when, think you, would our traders' profits have amounted to the hundreds of millions of dollars which the archipelago has already cost us? And what shall I say of the thousands of brave and generous young Americans who have lost their lives in the Philippines? No prospect of profit however assured, no wealth or advantage however colossal, could ever atone for the precious American lifeblood swallowed up by the hungry soil of Luzon and the Visayas. For such a sacrifice there is only one justification. It is the discharge of duty, service in a righteous cause. If our presence in the Philippines be not justified in its purpose and intent, then our soldiers' blood is on our hands; aye, and all the blood, in that case innocent, of the Filipinos we have fought, the misery we have caused their families, and the devastation we have wrought in their homes.

"This awful responsibility we can not escape either before our own consciences or at the bar of history unless we have done what we have done in the Philippines for the sake of redeeming the Filipinos from foreign oppression, saving them from domestic anarchy, and leading them into the ways of self-government and freedom—a blessing at once unmeasured and immeasurable. But I assert that to confer this blessing was the final cause of our acceptance from Spain of sovereignty over the Philippines. Nothing has happened since to alter our purpose. Indeed, all subsequent occurrences have gone to confirm the wisdom and transcendent nobility of this end and to exhibit the folly and delusion of any other end. Self-seeking ends of every sort are excluded by American policy and stultified by actual conditions in the Philippines. We are in the Philippines for the sake of the Filipinos * * *"

What did President McKinley mean by his statement that it was the duty and intention of the United States to train the Filipinos "in the science of self-government"? Did he vision the end of this training to be the addition of the Philippines to the American Union, or their continuance as a colony, or their ultimate establishment as an independent nation? Many persons affect to believe that he intended nothing more than to prepare the Filipinos for "self-government" under the American flag—the sort of self-government that any State of the Union enjoys.

Doctor Schurman had many opportunities to know Mr. McKinley's mind in the matter. They conferred on the subject and Doctor Schurman received the President's explicit instructions as to the course of action the first Philippine Commission was to take. So Doctor Schurman is a safe interpreter of President McKinley. Let us hear what he holds to be the destiny of the Philippines:

"The watchword of progress, the key to the future of the political development of the archipelago is neither colonialism nor federalism, but nationalism. The destiny of the Philippine Islands is not to be a State or Territory in the United States of America, but a daughter republic of ours—a new birth of liberty on the other side of the Pacific, which shall animate and energize those lovely islands of the tropical seas, and rearing its head aloft, stand as a monument of progress and a beacon of hope to all the oppressed and benighted millions of the Asiatic Continent."

Even then Doctor Schurman saw that the American people would not be willing to integrate the Philippines into the Union.

"I say you will never consent to make the Philippine Islands an integral part and organic part of the United States of America," he told his audiences at Ithaca and Boston in 1902.

Nothing has happened since to impeach that judgment. In fact, there is more opposition to the incorporation of the Philippines into the Federal Union now than there was 30 years ago. Our present social and political problems are so many arguments against the creation of new ones or the aggravation of those we face. But let Doctor Schurman continue:

"Very well; what then?"—if not admission to the family of States, Doctor Schurman inquired.

"A colony, a dependency?" He considers that proposal and declares:

"For a time this status may suffice; as a permanent arrangement it is impossible. For you propose to dower the Filipinos with an ever-increasing measure of liberty; but liberty grows by what it feeds on and moves rapidly to its goal, which is independence."

Note Doctor Schurman's next statement: "Then, too, the Filipinos have condensed the experience of centuries into these last half dozen years. They have dreamed of liberty; they have fought for liberty; they have seen in the east the star of independence. These are facts as potent as any other—and deeper than most—in the life of nations."

If the Filipinos as early as 1902 had condensed the experience of centuries into half a dozen years, how much have they crowded into the three decades that have since elapsed? They have been in practically complete charge of their various governments—municipal, provincial, central. They make their laws, interpret and apply their laws. They manage their fiscal business. They have political parties and elections. They have even a small

training in the conduct of foreign affairs, for their peculiar relationship to the United States necessitates a kind of diplomatic negotiation. In a sentence, the Filipinos have more practical experience in government than some of the independent states in Latin America, including Cuba, and the more recent sovereignties in Europe had before we welcomed them into the circle of independent nations.

The utterances in one striking passage of Doctor Schurman's speech of 1902 have been so completely corroborated by subsequent events that when we read it we are almost persuaded that it is not a forecast but a retrospect. I give his words:

"Here, then, is the criterion for determining the course of politics among the Filipinos. All of them, I repeat, desire independence eventually. But the process of political enfranchisement may be immediate, or at least very rapid, or it may be gradual, progressive, and of long duration. Each course will undoubtedly have its advocates; but as all Filipinos favor eventual independence, the majority, it may be predicted with safety, will embrace the policy which leads most quickly and surely to that goal. Timid men, interested men, conservative men, old men, without renouncing the goal of independence, will in the meantime prefer to endure the ills of dependence on the United States rather than to fly to the unknown ills of independence. These Filipinos will constitute the opportunist party. And opposed to them will stand the great majority of Filipinos who will agitate for immediate independence, and they will be entitled to call themselves the nationalist party. Such is the coming political alignment of Filipinos in Luzon and the Visayas, as I foresee it. All of them in favor of an independent and sovereign Philippine republic as the final consummation of their ideals and aspirations; but in the meanwhile a small but influential opportunist party content with temporary dependence on the United States and a numerous nationalist party clamoring for immediate independence. I shall be greatly disappointed if within the next decade these tropical islands do not prove a most fruitful nursery and forcing house of vital politics.

"If, as I believe, the people of the United States stand ready to grant independence to the Filipinos when they may safely be entrusted with the use of it, and if, as I further believe, the great majority of Filipinos will agitate to procure it immediately, the only issue that can arise between them will be with reference to the time for the establishment of the Philippine republic, which both parties agree is some day to be set up."

We all of us are familiar with those Americans who believe that the Filipinos will never be fit for independence until they have ceased thinking and acting like orientals. These Americans would run the Filipinos through some magic mold and refashion them so that they should become occidentals; if not physically, then, at least, mentally and psychologically. In short, these people hold that the more the Filipinos surrender of their racial identity and special type of civilization the more fully they will merit independence. Doctor Schurman's commentary on this school of Americans is worth hearing:

"Those Americans, patriotic but unversed in history, who desire to re-create the Filipinos in their own similitude, will always be able to demonstrate that that oriental clay is still without shape and seamliness in the American potter's hand, and that for a perfect product, a vessel of honor and glory, the American wheel must be kept going for years, or, perhaps, for generations, or possibly even for centuries. The Filipinos are to develop along their own racial lines, not along ours; and it is colossal conceit and impudence to disparage them because they are different from ourselves. Capacity for independent self-government does not necessarily mean capacity like ours to administer a commonwealth like ours, but merely capacity of some sort to maintain peace and order, to uphold law, and to fulfill international obligations. It may be a matter of only a short time when the Christian Filipinos of Luzon and the Visayas will be as well qualified to discharge these functions as Mexico, Peru, Argentina, or Venezuela. And when they are so qualified the American Government has no further duty or business in the Archipelago. Any decent kind of government of Filipinos by Filipinos is better than the best possible government of Filipinos by Americans."

I said before that the sequel has shown how wide and deep was Doctor Schurman's knowledge of conditions in the Philippines and how accurate were his predictions respecting the events to follow the year 1902. He was right when he told us then that the Filipinos desired independence. He was correct in his view that they would demonstrate their ability as well as their wish to govern themselves if and when the opportunity came to them—as it long since has come. He was within the mark when he foretold that the Filipino's longing for independence would not be satisfied but would be intensified by the enlargement of their autonomy. On the last point he said:

"As it is the policy of the United States to give the Filipinos liberty after the fashion of the really free nations, or an ever-increasing measure of home rule, which can not but eventuate in independence, so, however clearly or however obscurely they may recognize the need in the meantime of American protection and tutelage, the ultimate goal and final aspiration of the Filipinos themselves is an independent and sovereign Philippine republic."

It is now 16 years since the Jones Act became operative. We know that it has afforded us a fine test and measure of the Filipino people's capacity to assume the responsibilities and difficulties of complete self-government. They have done all that we required of them in the Jones law—and more. They have learned all that it is possible to acquire about independence short of

possessing and enjoying it. We can teach no more by mere precept. They must get the remainder of the lesson by practice.

The concluding words of Doctor Schurman's address in 1902 may, with proper allowances for the lapse of time and the increase of experience, be my concluding remarks in 1932:

"If it appears probable, as recent experience seems to indicate, that the Christian Filipinos of Luzon and the Visayas might, at no distant day, govern themselves as well as the average Central or South American Republic, then, in the name of American liberty and democracy, in the name of the political aspirations and ideals of the Filipinos, and in the name of justice and humanity, let the Philippine Republic be established. As President McKinley said to me three years ago, we went into the Philippines solely with the humanitarian object of conferring the blessings of liberty on the Filipinos. In its highest potency, liberty and independence are one and inseparable."

SESSION OF CONGRESS—ATTITUDE OF RAILWAY LABOR EXECUTIVES

Mr. LA FOLLETTE. Mr. President, the Railway Labor Executives' Association met in Cleveland on June 22 and adopted a resolution and a statement explaining its position. The resolution reads:

Resolved, That this association takes the position that the public welfare demands that Congress remain in session, and adopts the following statement of its reasons, directing this to be transmitted to all Members of Congress and given to the press.

I ask unanimous consent that the statement following the resolution and the list of officers of the Railway Labor Executives' Association may be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. HEBERT in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT IN RESOLUTION ADOPTED BY RAILWAY LABOR EXECUTIVES' ASSOCIATION JUNE 22, 1932

There is ample evidence of a bipartisan conspiracy to compel Congress to adjourn and abandon its constitutional duties, which will pave the way for a virtual dictatorship of international bankers and big business, now being planned. It would be a betrayal of the workers of America everywhere, on our poverty-ridden farms and in our bankrupt cities, for Congress to run away in one of the greatest crises, in the depths of the worst depression of our history. Adequate measures to relieve destitution, to increase employment, and to safeguard the future have not been enacted and can not be developed to meet the grave emergencies of the next few months unless Congress stays on the job.

Halfway programs distorted by hasty and selfish amendments are now being rushed through long sessions of bewildered and wary men working under the spell of megaphones constantly bawling: "Go home! Go home!" Misguided persons who clamor for adjournment because they are told that thereby business conditions will be improved are being led astray by those who, taking advantage of the distress of the American people, are bent on undermining their powers of self-government.

When the far-reaching nature of the depression became clear the leaders of organized labor and many others demanded that Congress be called in special session. But big business and the bankers were opposed; and Congress was not called. Congress finally met, and for months it has been driven persistently into enacting legislation primarily for the protection and aid of the most powerful special interests of industry and finance.

Now, when Congress is finally undertaking to do something directly for the common man, a clamor for Congress to adjourn arises from all those favored groups who have got the legislation they want. These domineering groups, having grabbed all possible public aid for their private power, now seek to drive Congress out of Washington for the plain reason that their plans to ride into greater private power on the wave of this depression can not succeed so long as the elected representatives of the people stay at work wielding the public power which the voters have intrusted to them.

The prevailing propaganda against Congress is atrociously unfair. No group of men in the entire country have worked harder than our United States Senators and Representatives, struggling under the torturing pressure of thousands of conflicting demands from literally millions of people. If they themselves now insisted on a short recess to recover from intolerable fatigue, to restore their waning energies, it might be unfair to complain. But it is forces outside Congress that are demanding that Congress adjourn for five months in the midst of a legislative jam over measures vital to the masses of the people, involving billions of dollars and all our hopes of economic recovery. This is simply a demand that Congress betray its trust.

On this question every Senator and Representative should hold himself a free man, responsible alone to his constituents and to the entire Nation for his vote. A vote to adjourn is a vote to abandon a post of duty on a battlefield where the fate of the Nation may be determined. A vote to adjourn should be regarded as a resignation from public office. We predict that the American people will not forget such votes. If they are left to grapple, unaided by Congress, with the desperate problems of the next few

months they will remember in November who ran away in the critical hours of our battle against poverty and to save self-government.

RAILWAY LABOR EXECUTIVES' ASSOCIATION, By D. B. ROBERTSON, Chairman.

Brotherhood of Locomotive Engineers, A. Johnston, grand chief engineer.

Brotherhood of Locomotive Firemen and Enginemen, D. B. Robertson, president.

Order Railway Conductors of America, S. N. Berry, president.

Brotherhood of Railroad Trainmen, A. F. Whitney, president.

Switchmen's Union of North America, T. C. Cashen, president.

Order of Railroad Telegraphers, E. J. Manion, president.

American Train Dispatchers' Association, J. G. Luhrs, president.

International Association of Machinists, A. O. Wharton, president.

International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers of America, J. A. Franklin, president.

International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, Roy Horn, president.

Sheet Metal Workers' International Association, J. J. Hynes, president.

International Brotherhood of Electrical Workers, C. J. McGloghan, vice president.

Brotherhood of Railway Carmen of America, Martin F. Ryan, president.

International Brotherhood of Firemen and Oilers, John F. McNamara, president.

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, G. M. Harrison, president.

Brotherhood of Maintenance of Way Employees, F. H. Fljozdal, president.

Brotherhood of Railroad Signalmen of America, D. W. Helt, president.

Order of Sleeping Car Conductors, M. S. Warfield, president.

National Organization Masters, Mates, and Pilots of America, Capt. Fred C. Boyer, president.

National Marine Engineers' Beneficial Association, Charles M. Sheplar, president.

International Longshoremen's Association, Joseph P. Ryan, president.

Railway Employees' Department, American Federation of Labor, B. M. Jewell, president.

RATE OF INTEREST ON ADJUSTED-COMPENSATION CERTIFICATES

Mr. NORRIS. Mr. President, I desire to move to discharge the Committee on Finance from the further consideration of the bill (S. 4569) relating to loans to veterans on their adjusted-service certificates. The bill was introduced by me and referred to that committee on May 4. The only thing sought to be accomplished by the bill is to reduce the rate of interest on World War adjusted-compensation certificates. It seems to me that under existing law the Government is making a profit on those certificates and on money loaned to the veterans.

Mr. WALSH of Massachusetts. What is the rate of interest proposed?

Mr. NORRIS. Three per cent.

Mr. WALSH of Massachusetts. Instead of 4½ per cent, as at this time?

Mr. NORRIS. I think in some instances it is 5 per cent. I have forgotten exactly what the rate now is.

Mr. President, I want to say that in submitting this motion that I am not seeking to convey the idea that the Finance Committee has not done its duty, but, as everybody knows, together with a great many other committees of the Senate, that committee has had more than it could possibly attend to in the consideration of bills of national importance. The only purpose of the bill is the one I have mentioned. Under the rules my motion will have to go over for a day.

The PRESIDENT pro tempore. The motion will be entered.

THE CALENDAR

The PRESIDENT pro tempore. Morning business is closed, and, under the unanimous-consent agreement entered into yesterday, the calendar is now in order. The Chair desires to ask, Is it the intention of the Senator from Oregon that the calling of the calendar shall begin at the point which was reached when it was last under consideration?

Mr. McNARY. I was just going to ask unanimous consent that we commence the call of the calendar where we concluded when it was last under consideration. I think it is Order of Business 621.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. BORAH. What is the request?

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the calling of the calendar under the unanimous-consent agreement entered into yesterday shall begin with Calendar No. 621.

Mr. ROBINSON of Arkansas. Mr. President, I desire to ask the Senator from Oregon why he selects Calendar No. 621? I also desire to say before the Senator replies to my inquiry that the early part of the calendar has been called a great many times; the bills that are left there now have been passed over from time to time, but I do not understand why the Senator selects the particular Calendar No. 621.

Mr. McNARY. The Senator from Arkansas has, I think, already answered the question. I selected Order of Business 621 because that was where we concluded the consideration of the calendar on two former occasions.

Inasmuch as we commenced at Order of Business 104 on two former occasions and each time stopped at Order of Business 621, and having gone over the list twice, I thought it would be well to commence at the point where we previously concluded.

Mr. ROBINSON of Arkansas. Very well, I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. BROOKHART. Under the unanimous-consent agreement would it be in order to ask to take up Order of Business 613?

The PRESIDENT pro tempore. It would not be in order.

NORTH CAROLINA SENATORIAL CONTEST

Mr. SHORTRIDGE. Mr. President, beginning at Order of Business 621, of course, leaves out Order of Business 605?

Mr. ROBINSON of Arkansas. It certainly does.

Mr. SHORTRIDGE. That seems to be a logical conclusion. I wish to say that I think the Senate should dispose of that resolution. It is a resolution to hear and determine the contest of George M. Pritchard v. Josiah W. Bailey for a seat in the Senate from the State of North Carolina. I submit that we should dispose of that resolution before we adjourn, and hence, for the moment—

The PRESIDENT pro tempore. That may not be done at this stage of the consideration of the calendar, however.

Mr. ROBINSON of Arkansas. Mr. President, I desire to give notice to the Senator from California that I think the record discloses that this is a trivial contest and that the Senate ought not to expend public money in the prosecution of it. I believe that the state of the record fully justifies that declaration; and it is my intention, if the Senate proceeds to the consideration of the resolution involving the Pritchard-Bailey contest for a seat in this body, to submit as a substitute for the resolution of the committee of the Senator from California a resolution dismissing the contest. I give the Senate that notice and that information now.

Mr. SHORTRIDGE. Mr. President, without expressing any opinion as to the merits of the contest, let me say that the Committee on Privileges and Elections took the position that the pleadings were sufficient to justify going forward and inquiring into the facts as alleged in the amended contest papers. I repeat, I express no opinion as to the facts; we do not know them other than as they are expressed in the verified amended contest petition and pleadings. At a proper time, if it shall be in order, I shall move to proceed to the consideration of this resolution. I take note, of course, of the entirely respectful and, I know, earnest objection of the Senator from Arkansas [Mr. ROBINSON].

BILLS AND RESOLUTIONS PASSED OVER

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent preferred by the Senator from Oregon [Mr. McNARY]? The Chair hears none, and the clerk will begin calling the calendar at Order of Business 621.

The bill (S. 2687) to provide for the establishment of a national employment system and for cooperation with the

States in the promotion of such system, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7233) to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands, to provide for the independence of the same, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. Being the unfinished business, the bill will be passed over.

The resolution (S. Res. 174) for an investigation of campaign expenditures of presidential, vice presidential, and senatorial candidates in 1932 was announced as next in order.

Mr. ROBINSON of Arkansas. I think that resolution has been passed.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 2704) for the relief of Charles Lamkin was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 99) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

Mr. ROBINSON of Arkansas. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4291) to amend section 5219 of the Revised Statutes, as amended, was announced as next in order.

Mr. McNARY. At the request of the Senator from Indiana, I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

TRAVELING EXPENSES OF UNITED STATES DISTRICT ATTORNEYS

The bill (S. 931) to amend a part of section 1 of the act of May 27, 1908, chapter 200, as amended (U. S. C., title 28, sec. 592), was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I was under the impression that that bill had passed.

Mr. NORRIS. No; it has not been passed.

Mr. ROBINSON of Arkansas. Very well.

Mr. KING. Mr. President, reserving the right to object, I think there should be a brief explanation of the purposes of the bill. My understanding is, although I may be in error, that the present law provides that the accounting of traveling expenses and per diem in lieu of subsistence, and so forth, is now adequately provided for.

Mr. NORRIS. This is a bill prepared by the Attorney General. It was referred to a subcommittee, of which the Senator from Colorado [Mr. WATERMAN] was chairman. He has made a report which I think explains the bill very fully. I have no objection whatever to it. As I remember, the Senate has once before passed a similar bill.

Mr. HEBERT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. NORRIS. I yield.

Mr. HEBERT. My recollection is that when this bill came before the Judiciary Committee the explanation was made that it was intended to obviate the necessity of having the expense accounts of district attorneys approved by the district judges, who are in no way familiar with them. It is a mere formality, and the Attorney General recommended that the existing law should be amended so that the expense accounts of district attorneys and their assistants should be approved under oath by the district attorneys themselves. Such accounts are always subject to review anyway.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the paragraph of section 1 of the act of May 27, 1908, chapter 200, at the bottom of page 375 of volume 35 of the Statutes at Large, as amended (U. S. C., title 28, sec. 592), be, and the same is hereby, amended to read as follows:

"The necessary traveling expenses and a per diem in lieu of subsistence, as provided by the subsistence expense act of 1926 (U. S. C., title 5, ch. 16), shall be allowed United States attorneys and assistant United States attorneys while absent from their respective official residences on official business. The expense accounts of United States attorneys, when verified on oath before an officer authorized to administer oaths, and the expense accounts of assistant United States attorneys when so verified on oath and approved by the United States attorney, may be paid by the marshal, who shall include them in his accounts with the United States."

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

BILL PASSED OVER

The bill (S. 940) to provide against misuse of official badges, identification cards, and other insignia designed for the use of public officers, was announced as next in order.

Mr. REED. Over.

The PRESIDENT pro tempore. The bill will be passed over.

WIENER BANK VEREIN

The bill (S. 3375) for the relief of Wiener Bank Verein, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the sum of \$30,208.67 is hereby authorized to be appropriated for payment to the Wiener Bank Verein or its attorney in fact in the United States, representing interest at 4½ per cent on certain cable transfers which the embassy at Constantinople undertook to make by cable communications to the Secretary of State on January 13, 1917, and on February 25, 1917, payment of which was deferred, as set forth in Senate document No. 18, Seventy-second Congress, first session: *Provided*, That no payment hereunder shall be made by the Secretary of the Treasury except at the direction of the Secretary of State: *Provided further*, That full authority is hereby vested in the Secretary of State to determine, in his discretion, whether payment in whole or in part should be made, withheld, or deferred.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 186) favoring an expression on Mother's Day of our love and reverence for motherhood was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 436) to amend the national prohibition act, as amended and supplemented, in respect to the definition of intoxicating liquor was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2473) to provide for increasing the permissible alcoholic content of beer, ale, or porter to 3½ per cent by weight, and to provide means by which all such beer, ale, or porter shall be made of products of American farms was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

CLAIMS OF SEMINOLE NATION

The bill (S. 4340) authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians was announced as next in order.

Mr. SMOOT. Mr. President, on the last call of the calendar when this bill was reached I objected to its consideration. I wish to call the attention of the Senator from Oklahoma [Mr. THOMAS] to the amendment that is found on page 2, beginning in line 7 and going through line 12. If that amendment shall be disagreed to, I will have no objection to the remainder of the bill.

The PRESIDENT pro tempore. The amendments reported by the committee will be stated.

The first amendment was, in section 1, page 2, line 2, after the name "Oklahoma," it is proposed to insert the words "or any clouds thereon, to wit:—"

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 7, after the word "less," to insert "the southwest quarter and the south half northwest quarter section 5, and the east half southeast quarter section 6, township 8 north, range 6 east, containing 320 acres, more or less; and/or with respect to any interest in or claim to any other property in Seminole County, Okla."

So as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the District Court of the United States for the Eastern District of Oklahoma, notwithstanding the lapse of time or statutes of limitation, to hear and determine any suits heretofore or hereafter instituted by the Seminole Nation or Tribe of Indians, or on their behalf, or by any committee selected by the Seminole Indian Protective Association to represent such Indians, with respect to the title to the following-described lands in Seminole County, Okla., or any clouds thereon, to wit: The south half northeast quarter and the southeast quarter, section 7; the south 15 78/100 acres of lot 3, and lots 6 and 7, section 8, all in township 7 north, range 8 east, Indian meridian, containing 320 acres, more or less; the southwest quarter and the south half northwest quarter section 5, and the east half southeast quarter section 6, township 8 north, range 6 east, containing 320 acres, more or less; and/or with respect to any interest in or claim to any other property in Seminole County, Okla.

SEC. 2. The District Court of the United States for the Eastern District of Oklahoma shall have full authority, by proper orders and process, to bring in and make a party to the proceedings any person deemed by it necessary or proper to the final determination of the matter in controversy. The judgment or decree of such court shall be subject to review in accordance with the law governing like cases.

Mr. THOMAS of Oklahoma. Mr. President, I understood the Senator from Utah to state that he would not object to the bill if that amendment were disagreed to.

Mr. SMOOT. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEFTS FROM RAILROAD CARS IN INTERSTATE COMMERCE

The bill (S. 4095) to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," by extending its provisions to provide for the punishment of stealing from passenger or Pullman cars, or from passengers on such cars, while such cars are parts of interstate trains, and authorizing prosecution therefor in any district in which the defendant may have taken or been in possession of the stolen articles, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of this bill. It appears to be an important measure. I do not object to its consideration.

Mr. ROBINSON of Indiana. Mr. President, if the Senate will bear with me, I should like very briefly to read from the report of the committee on this bill as follows:

This bill proposes to amend the so-called Carlin Act (U. S. C., title 18, secs. 409-411) so as to punish the stealing or unlawful taking of property in the custody of passengers on interstate trains. Numerous thefts have occurred at night from a Pullman berth, the property being stolen while the passenger was sleeping. The thief can not be prosecuted under the Carlin Act, because the property is taken from the possession or custody of the passenger and not from the carrier. Because of the fact that the train has, between the time when the passenger retired and the time when the theft was discovered, traveled through two or more States, it is impossible to determine in which State the offense was committed. There is a diversity of opinion in the United States as to whether one who commits larceny in one State and removes the goods into another State can be tried for larceny in such other State. (16 C. J. 167; 36 C. J. 809.) Consequently, if the thief is caught with the goods it is impossible to

prosecute him in those States which follow the English common-law doctrine that England will not prosecute a thief who brings his booty into England from a foreign state.

The passage of this bill would obviate that defect in the present law.

Mr. ROBINSON of Arkansas. Where would the jurisdiction lie in the Federal courts in such cases?

Mr. ROBINSON of Indiana. The venue could be established anywhere the train happened to be; it would not make any difference as to that.

Mr. ROBINSON of Arkansas. Very well; I have no objection.

Mr. BLAINE. Mr. President, I notice that on page 3 the bill provides where the unlawful taking is by any "fraudulent device, scheme, game, or otherwise," the person who engages in any such scheme or game is guilty of a violation of this measure. That would mean that if anyone should engage in quite an innocent game of cards for 10 cents a game, he would be subjected to the severe penalties provided by the bill.

Mr. ROBINSON of Indiana. Mr. President, the Senator from Wisconsin will remember that that subject was discussed in the committee at length; and I understood the Senator from Wisconsin then to say that he would not object to the bill on the floor, though of course he has a perfect right to do so if he desires. The discussion at that time had to do with card sharps, the desire being to protect passengers and the traveling public from that sort of people on the various trains. This is an amendment that was put into the bill in the committee. If there is any objection to it, I think there is so much good in the bill outside of this amendment that I should be perfectly willing to have that part stricken out, if the Senator would object to the bill as a whole because of it.

Mr. BLAINE. Mr. President, I have not any special objection, but when people are traveling across the continent on a railroad train, taking four or five days, it becomes somewhat monotonous, and they may engage in the pastime of playing bridge, and if they play bridge and in order to make the game a little more vivacious put up 25 or 10 cents, or what is it—one-tenth of 1 cent?—a point, they would be guilty of a felony.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. I yield.

Mr. ROBINSON of Arkansas. I wonder if the Senator from Wisconsin is sure of that interpretation, and, if the interpretation is correct, whether it was the intention of the committee to penalize one for participating in a comparatively innocent game of cards. This would seem to be directed against fraudulent schemes or games.

Mr. ROBINSON of Indiana. That is the language, of course.

Mr. ROBINSON of Arkansas. If the language is sufficient to limit it to that class of wrong, I think it ought to remain in the bill. We all know that there are groups of gangsters, crooks, who travel on ships and on interstate railway trains, and who decoy innocent and unsuspecting passengers into what are represented at first as innocent games of amusement, but which are in fact fraudulent schemes and games for the purpose of robbing passengers. I think that ought to be penalized, and penalized quite severely.

The word "fraudulent" applies to "device, scheme, game," and I think "fraudulent" is descriptive of all those terms. If it is not, it ought to be. A mere game ought not to be penalized with imprisonment in the penitentiary, but a fraudulent game may very well be so penalized.

Mr. BORAH, Mr. SHORTRIDGE, and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Indiana continues to hold the floor. Does he yield; and to whom?

Mr. ROBINSON of Indiana. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, certainly if the words "or otherwise" were taken out, it would be.

Mr. ROBINSON of Arkansas. Yes; I think the words "or otherwise" ought to come out. I shall move that amendment if the opportunity arises, unless the Senator from Idaho wishes to do so.

Mr. ROBINSON of Indiana. I am perfectly willing to have the words "or otherwise" stricken out. I think that would take care of the Senator's objection.

Mr. BLAINE. Mr. President, if the Senator will yield, in connection with what the Senator from Arkansas said, there are certain scheming, designing persons who use certain devices and schemes. That language would cover that type of offenders; but a fraudulent game may be an entirely different proposition. Any game that involves a wager, of course, is characterized as an offense.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me?

Mr. ROBINSON of Indiana. I yield.

Mr. ROBINSON of Arkansas. I do not believe that declaration is correct either in law or in fact. I do not think the statement can be sustained that a wager entered into in a game of cards constitutes the game of cards fraudulent. The term "fraud" applies to the method in which the game is sought to be won, and not to the mere fact that a wager, a bet, is made.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. I yield to the Senator from California.

Mr. SHORTRIDGE. I merely want to call the Senator's attention to the preceding words:

Whoever shall steal or shall unlawfully take by any fraudulent device, scheme, game, or otherwise—

And so forth. Those words in italics, commented on, can not be detached from the context of the sentence.

Mr. BRATTON. Mr. President, let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. SHORTRIDGE. I hope the Senator will not object to it.

Mr. ROBINSON of Indiana. The Senator says he has no objection to its going through.

Mr. ROBINSON of Arkansas. Mr. President, may I suggest to the Senator from New Mexico that it occurs to me that this bill ought to be passed. The differences regarding it are about to be reconciled. I move to strike out the words "or otherwise."

Mr. BRATTON. Mr. President, I favor the bill, but I am unwilling to have a good part of the morning hour devoted to it. If it can be passed without further delay, I will withdraw the objection.

The PRESIDENT pro tempore. Will the Senator from Arkansas withhold his amendment until that portion of the bill is reached? There are a number of committee amendments.

Mr. ROBINSON of Arkansas. Very well.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 2, line 1, after "February 13," to strike out "1913 (ch. 50)" and insert "1913, as amended," so as to read:

Be it enacted, etc., That the act of February 13, 1913, as amended, entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same" be amended to read as follows:

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the word "take," to insert "by any fraudulent device, scheme, game, or otherwise"; in line 12, after the word "any," to strike out "passenger car or Pullman car" and insert "passenger car, sleeping car, or dining car"; in line 14, after the word "such," to strike out "passenger car or Pullman car"

and insert "passenger car, sleeping car, or dining car"; and in line 22, after the word "or," to strike out "chateaus" and insert "chattels," so as to read:

Whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent in either case to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, wagon, automobile, truck, or other vehicles, or from any steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight or express, or shall buy or receive or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been stolen, or whoever shall steal or shall unlawfully take by any fraudulent device, scheme, game, or otherwise from any passenger car, sleeping car, or dining car, or from any passenger or from the possession of any passenger while on or in such passenger car, sleeping car, or dining car, when such car is a part of a train moving from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, any money, baggage, goods, or chattels, or who shall buy, receive, or have in his possession any such money, baggage, goods, or chattels, knowing the same to have been stolen, shall in each case be fined not more than \$5,000 or imprisoned not more than 10 years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed or in which the defendant may have taken or been in possession of the said money, baggage, goods, or chattels. The carrying or transporting of any such money, freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender. The words "station house," "platform," "depot," "wagon," "automobile," "truck," or "other vehicle," as used in this section, shall include any station house, platform, depot, wagon, automobile, truck, or other vehicle of any person, firm, association, or corporation having in his or its custody therein or thereon any freight, express, goods, chattels, shipments, or baggage moving as or which are a part of or which constitute an interstate or foreign shipment.

Mr. ROBINSON of Arkansas. Mr. President, in the part of the committee amendment on line 11, page 3, I move to strike out the words "or otherwise."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was, on page 5, line 2, after the word "or," to strike out the word "acts," followed by a quotation mark, and to insert:

"To establish the interstate or foreign commerce character of any shipment in any prosecution under this act the waybill of such shipment shall be prima facie evidence of the place from which and to which such shipment was made."

So as to read:

Nothing herein shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

To establish the interstate or foreign commerce character of any shipment in any prosecution under this act the waybill of such shipment shall be prima facie evidence of the place from which and to which such shipment was made.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious as-

portation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same,' approved February 13, 1913, as amended (U. S. C., title 18, secs. 409-411), by extending its provisions to provide for the punishment of stealing or otherwise unlawful taking of property from passenger cars, sleeping cars, or dining cars, or from passengers on such cars, while such cars are parts of interstate trains, and authorizing prosecution therefor in any district in which the defendant may have taken or been in possession of the property stolen or otherwise unlawfully taken."

RESOLUTION PASSED OVER

The resolution (S. Res. 206) opposing reductions in appropriations for the Postal and Customs Services that would seriously disrupt such services was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

EMPLOYMENT OF FARMERS IN INDIAN SERVICE

The bill (H. R. 10161) amending the act of May 25, 1918, with reference to employing farmers in the Indian Service, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I will withhold my objection to this bill pending an explanation by the Senator from North Dakota. May I say in advance that a number of persons who are interested in the Indians, as well as a number of Indians representing two or three different tribes, have spoken to me on this subject. They object to this bill, claiming that these so-called experts who are foisted upon them, as they claim, by the department are less competent than the representatives that they had to teach them agriculture.

Mr. FRAZIER. Mr. President, the Interior Department and the Bureau of Indian Affairs are very anxious to have this act repealed, which provides that anyone employed as a farmer in excess of \$50 per month must get the approval of some one from the State agricultural college or from others. They want to put these appointments under strict civil-service examination, so that anyone desiring to qualify as a farmer in the Indian Service will have to take a regular examination as prescribed by the Civil Service Commission under the direction of the Interior Department. They believe that it will give a better class of farmers, and that they will have to have certain educational qualifications and training in agriculture before they can get these appointments. The theory is all right. I can not tell how it is going to work out, but I believe it will work out all right.

Mr. KING. Let me say to the Senator that a number of Indians have spoken to me and have stated that some of these so-called experts who have come with college degrees have proven wholly inefficient; and they prefer a common-sense farmer who knows something about ditches and irrigating and farming and the climatic conditions of the West than to have some of these so-called experts from some of these so-called colleges. I think the plan of the department is wholly erroneous, but I shall yield to the judgment of the Senator.

Mr. FRAZIER. The bill is one which the department wants and has advocated and which, the department claims, raises the standard of the appointees and will give better service. I should like to see it tried out.

Mr. KING. I will follow, though very reluctantly, the Senator from North Dakota.

The Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions in the act of May 25, 1918 (40 Stat. L. 565), which requires "that hereafter no money shall be expended for the employment of any farmer or expert farmer at a salary of or in excess of \$50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency showing that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president or dean of the State agricultural college of the State

in which his services are to be rendered, or by the president or dean of the State agricultural college of an adjoining State," be, and the same is hereby, repealed.

BILLS PASSED OVER

The bill (S. 368) for the relief of Joliet National Bank and H. William, John J., Edward F., and Ellen C. Sharpe was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4258) authorizing adjustment of the claim of the Franklin Surety Co. was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4270) for the relief of Commander Francis James Cleary, United States Navy, was announced as next in order.

Mr. KING. Mr. President, I have been asked by a dear friend not to object to this bill; but on examining the report I find that the Secretary of the Navy reports against it, so I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

The bill (S. 4567) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I do not intend to object to the consideration of this bill. It has been brought forward at least once before and there has been some discussion of it. I should like to ask the Senator from Nebraska [Mr. HOWELL] why the jurisdiction is fixed at \$50,000, in line 8, and whether it is not regarded as rather a large amount to place all sums below that in the decision of the department?

Mr. HOWELL. Mr. President, the limitation of \$50,000 applies only to property claims; and after the investigation and report are made the recommendation has to come to Congress if it is more than \$1,000. The bill simply allows the Comptroller General to consider, investigate, and pass upon a property-damage claim up to \$50,000, but he has no right to pay it. It must come to Congress.

Mr. ROBINSON of Arkansas. It is still to be referred to Congress? Very well. That is an answer to the question I asked.

Mr. BRATTON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HOWELL. Mr. President, I did not note who objected to the consideration of the bill at this time, but I will ask that the Senator withhold his objection.

Mr. BRATTON. Mr. President, the bill is one to which I have given some thought; and while I am perfectly willing to withhold the objection in order that the Senator may submit any observations, I am quite certain that at the conclusion I should still feel impelled to insist upon the objection. The bill is one that I can not approve; but I am willing to withhold the objection if the Senator desires to make a statement.

Mr. HOWELL. If the Senator will withhold his objection for a moment—

Mr. BRATTON. With pleasure.

Mr. HOWELL. I desire to call the attention of the Senator to the situation that exists with reference to bills referred to the Claims Committee.

The committee now has in the neighborhood of 1,100 bills before it. At the last session we made a record in reporting bills by the Claims Committee, and the total was 292. However, there were about 1,600 bills before the end of the session before that committee. Under present conditions this is what happens: There are 10 major departments of the Government. There are 66 subdepartments and independent-office establishments, and, under the law now, there are 76 courts authorized to pass upon property-damage claims up to a thousand dollars. There is no gen-

eral policy adopted by the various departments. Each is a court by itself.

This bill provides that all such claims shall be reported upon by the various departments and independent-office establishments to the Comptroller General. The Comptroller General is then to investigate, is to afford hearings, and allow the presentation of affidavits respecting claims. Then he is allowed to pass upon a property-damage claim not in excess of a thousand dollars, and it may be paid. In other words, it provides for one common court in the place of 76 courts.

As to personal-injury cases, the various departments have no authority to pay in such cases, even up to a thousand dollars, but it is proposed in this bill that claims of that amount, instead of coming to the Committee on Claims—and I call attention to the fact that no bill goes through here, however small in amount, that does not cost the Government in the neighborhood of \$120—such claims not in excess of a thousand dollars would be investigated by the department or independent-office establishment wherein it arose, the report would be made to the Comptroller General, and the Comptroller General then would be able to secure the necessary evidence and to hear any objections or anything in favor of the claims. Then, if the claimant is not satisfied, he can go to the Court of Claims afterwards, but he can settle up to a thousand dollars. However, any personal-injury claim that is in excess of a thousand dollars and not more than \$7,500, the Comptroller General can pass upon, obtain all the evidence, and settle the claim, but it must be referred back to Congress if it is in an amount more than a thousand dollars, and less than \$7,500.

I want to state to the Senate that the way evidence in connection with claims is presented to the Committee on Claims, upon which the Claims Committee must act, it is not of a character which would be received in any court.

Mr. ROBINSON of Arkansas. I do not object to the consideration of the Senator's bill.

Mr. HOWELL. So I hope the Senator from New Mexico will not object to the consideration of the bill.

Mr. BRATTON. Mr. President, with great reluctance, I feel obliged to object.

The PRESIDING OFFICER (Mr. Fess in the chair). The bill will be passed over.

OTOE AND MISSOURIA TRIBES OF INDIANS

The bill (S. 4578) conferring jurisdiction on the Court of Claims to adjudicate the rights of the Otoe and Missouria Tribes of Indians to compensation on a basis of guardian and ward was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

THOMAS W. H. BALL

The bill (S. 2620) to correct the military record of Thomas W. H. Ball was announced as next in order.

Mr. KING. Let that go over.

Mr. SHEPPARD. Mr. President, will the Senator withhold his objection a moment?

Mr. KING. Certainly.

Mr. SHEPPARD. Mr. President, the commanding officer who presided at the court-martial which tried this man afterwards exonerated him from all blame of intentional evil doing.

Mr. ROBINSON of Arkansas. How did he exonerate him?

Mr. SHEPPARD. He said that the man had been arrested under an improper conception of what he had done.

Mr. SMOOT. Why did the man plead guilty, then?

Mr. SHEPPARD. He was smarting under a sense of injustice, broke his arrest when he should not have done so, came to the commanding officer's tent, and was guilty of disrespectful language. That was the gravamen of the case. The commanding officer afterwards said he did not blame the man for what he had done.

Mr. KING. Mr. President, I notice that he was convicted of drunkenness.

Mr. SHEPPARD. That was a prior conviction. He served time for that, and this was a subsequent offense.

Mr. KING. He was guilty of two offenses, then.

Mr. SHEPPARD. Not of the same character.

Mr. SHORTRIDGE. The Secretary of War approves the bill.

Mr. KING. I withdraw the objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers or their dependents Thomas W. H. Ball, who served as a private of Company B, Fourth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said organization on the 14th day of July, 1900: *Provided*, That no bounty, pension, pay, or other emoluments shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Thomas W. H. Ball."

EXEMPTIONS OF HUSBANDS OF AMERICAN CITIZENS

The Senate proceeded to consider the bill (H. R. 10600) to exempt from the quota husbands of American citizens.

Mr. REED. Mr. President, this is a bill intended to admit, outside of the quota, the husbands of American women. I objected to it when it was last brought up because it would permit to come in anybody who could find an American woman to marry him, in the future, without regard to our quota law. That is, a sailor who was in port for a couple of days might find a woman who would marry him for a \$5 bill, and we could not stop his permanent entry, although he might be undesirable in a good many ways. At the same time, it is a fact that there are many meritorious cases, cases of distress, of ladies who have been married in the past and who are unable to bring their husbands into this country, although there is no question of their ability to support themselves when they get here. To take care of those cases of distress, I propose the amendment, which I send to the desk.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. KING. May I say that the number is not so great as some anticipated?

Mr. REED. The number, I am told, is a couple of hundred.

Mr. KING. It is 146, as far as can be ascertained.

The PRESIDING OFFICER. The Chair is informed that the bill had been brought to the point of being read the third time, so it will be necessary to reconsider the order for a third reading.

Mr. KING. I ask unanimous consent that the order be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment submitted by the Senator from Pennsylvania will be stated.

The CHIEF CLERK. On page 1, line 8, the Senator from Pennsylvania proposes to strike out the period and to insert the words "and prior to July 1, 1932," and on page 2, line 3, to strike out the punctuation marks and to insert the words "or who are the wives or husbands of citizens of the United States by marriage occurring on or after July 1, 1932," so as to make the bill read:

Be it enacted, etc., That subdivision (a) of section 4 of the immigration act of 1924, as amended, is amended to read as follows:

"(a) An immigrant who is the unmarried child under 21 years of age or the wife or the husband of a citizen of the United States: *Provided*, That the marriage shall have occurred prior to issuance of visa and prior to July 1, 1932."

Sec. 2. Clause (A) of paragraph (1) of subdivision (a) of section 6 of the immigration act of 1924, as amended, is amended to read as follows:

"(A) Quota immigrants who are the fathers or the mothers of citizens of the United States who are 21 years of age or over or who are the wives or husbands of citizens of the United States by marriage occurring on or after July 1, 1932."

Mr. REED. Mr. President, the second amendment puts them in the preference class, but leaves them within the quota if the marriage occurred after the first of next month.

I should also explain to the Senate that the effect of this amendment will be to tighten up the immigration law against wives who are married in the future. It puts wives and husbands on exactly the same basis. If the marriage occurs after the first of next month, all they get is the preference in the quota; they can no longer come in nonquota. I think it is entirely fair that wives and husbands should be treated exactly alike.

Mr. KING. Then this bill amends existing law, and places the situation of the spouse in a little worse condition than it is under existing law.

Mr. REED. No, Mr. President. If the marriage occurred prior to the 1st of July, it allows them to come in without regard to the quota. If it occurs after the first of next month, then both wives and husbands are put upon a parity, they are given a preference within the quota and their coming is charged against the quota.

Mr. COPELAND. Mr. President, it seems to me that these amendments are very proper. They really add to the value of the bill.

Mr. REED. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (S. 4262) to provide for the establishment and development of American air-transport services overseas, to encourage construction in the United States by American capital of American airships and other aircraft for use in foreign commerce, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDENT pro tempore. The bill will be passed over.

FINANCIAL RESPONSIBILITY OF AUTOMOBILE DRIVERS

The bill (S. 3053) to promote safety on the streets and highways of the District of Columbia by providing for the financial responsibility of owners and operators of motor vehicles for damages caused by motor vehicles on the public highways in the District of Columbia; to prescribe penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

Mr. KEAN. Mr. President, I hope the Senator will withhold his objection for a moment. This bill seems to me to be a very important measure. Almost every day when we take up the newspapers we see where children and other people are killed in the District of Columbia as a result of accidents involving automobiles, and it appears to me that for the protection of the citizens of the District of Columbia the bill should be passed.

Mr. BLAINE. Mr. President, a great many of the provisions of the bill ought to receive considerable and serious attention, and it is very obvious that we have not the time to give that consideration this morning. I ask that the bill may go over.

Mr. KEAN. Mr. President, the bill has the approval of the Committee on the District of Columbia, and the approval of all the public officials of the District.

Mr. LA FOLLETTE. Regular order.

The PRESIDENT pro tempore. The bill will go over.

DEPORTATION OF ALIEN SEAMEN

The bill (S. 7) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLOSING OF STREETS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 3532) to authorize the Commissioners of the District of Columbia to readjust and close streets, roads, highways, or alleys in the District of Columbia rendered useless or unnecessary, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments.

Mr. AUSTIN. Mr. President, if passed, this bill will save the District of Columbia right away approximately \$3,000,000, if action is taken under the authority intended to be vested in the commissioners by the bill.

There is at the present time no general statute enabling the Commissioners of the District to close up useless streets in the District. Every time a street needs to be closed on account of carrying out any scheme or plan of development or maintenance here, a special act of the Congress of the United States seems to be necessary, though it be only a small, inconsequential area. This bill is designed to give the commissioners the authority to do that, and it can be done in the absence of Congress and the progress of development forwarded.

Mr. FESS. Mr. President, will there be any authority given the commissioners to open new streets under this bill?

Mr. AUSTIN. No; the authority to open new streets is already vested in the commissioners under another general statute.

Mr. FESS. I remember there was a desire to put a street through the Walter Reed Hospital grounds. Could the commissioners do that without the authority of Congress?

Mr. AUSTIN. That depends on whether the Walter Reed grounds have already been taken by the power of eminent domain. If it is private property, of course, private property may be taken for public use upon awarding suitable damages.

Mr. BINGHAM. May I say to the Senator in that regard that the Walter Reed Hospital being Government property, the land could not be taken without the permission of Congress?

Mr. AUSTIN. I thank the Senator from Connecticut.

The first amendment of the committee was, on page 3, line 8, to strike out the words "that the said closing of a street, road, highway, or alley, or a part thereof, shall have the approval of the National Capital Park and Planning Commission," and to insert in lieu thereof the words "That the proposed closing of any street, road, highway, or alley, or any parts thereof, as provided for in this act, shall be referred to the National Capital Park and Planning Commission for its recommendation"; on page 6, line 14, to strike out the words "looking to" and insert in lieu thereof the word "for"; on line 16, to strike out the word "to" and to insert in lieu thereof the word "for," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close any street, road, highway, or alley, or any part of any street, road, highway, or alley, in the District of Columbia when, in the judgment of said commissioners, such street, road, highway, or alley, or such part of a street, road, highway, or alley, has been rendered useless or unnecessary, the title to the land embraced within the public space so closed to revert to the owners of the abutting property subject to such compensation therefor in money, land, or structures as the Commissioners of the District of Columbia, in their judgment, may find just and equitable, in view of all the circumstances of the case affecting near-by property of abutters and/or nonabutters: *Provided*, That if the title to such land be in the United States the property shall not revert to the owners of the abutting property but may be disposed of by the said commissioners to the best advantage of the locality and the properties therein and thereby affected, which properties thenceforth shall become assessable on the books of the tax assessor of the District of Columbia in all respects as other private property in the District; or also said property be sold as provided in section 1608-a of the Code of Law for the District of Columbia, unless the use of such land is requested by some other department, bureau, or commission of the Government of the United States for purposes not otherwise inconsistent with the proper development of the District of Columbia: *Provided further*, That the said closing by said commissioners is made expedient or advisable by reason of change in the highway plan or by reason of provision for access or better access to the abutting or near-by property and the convenience of the public by other street, road, highway, or alley facilities, or by reason of the acquisition by the District of Colum-

bia or by the United States of America for school, park, playground, or other public purposes, of all the property abutting on the street, road, highway, or alley, or part of a street, road, highway, or alley, proposed to be closed or for other public reasons: *And provided further*, That the proposed closing of any street, road, highway, or alley, or any parts thereof, as provided for in this act, shall be referred to the National Capital Park and Planning Commission for its recommendation.

Sec. 2. That whenever a street, road, highway, or alley, or a part of a street, road, highway, or alley, is proposed to be closed under the provisions of this act, the Commissioners of the District of Columbia shall cause public notice of intention to be given by advertisement for not less than 14 consecutive days, exclusive of Sundays and holidays, in a daily newspaper of general circulation printed and published in the District of Columbia, to the effect that a public hearing will be held at a time and place stated in the notice for the hearing of objections, if any, to such closing. The said commissioners shall, not later than 14 days in advance of such hearing, serve notice of such hearing, in writing, by registered mail, on each owner of property abutting the street, road, highway, or alley, or part thereof, proposed to be closed, or if the owner can not be located the advertisement provided for above shall be deemed sufficient legal notice. At such hearing a map showing the proposed closing shall be exhibited, and the property owners or their representatives, and any other persons interested, shall be given an opportunity to be heard.

Sec. 3. After such public hearing the said commissioners, if they are satisfied that the proposed closing will be in the public interest, and that such closing will not be detrimental to the rights of the owners of the property abutting on the street, road, highway, or alley, or part of a street, road, highway, or alley, proposed to be closed, nor cause unreasonable inconvenience to or adverse effect upon the owner or owners of any property abutting on streets connected therewith, nor unreasonably infringe the rights of the public to use such street, road, highway, or alley, shall cause to be prepared a plat or plats showing the street, road, highway, or alley, or part thereof, proposed to be closed and the area to be apportioned to each owner of property abutting thereon: *Provided*, That if the approval of the proposed closing by the said commissioners shall be conditioned upon the dedication of any other areas for street, highway, or alley purposes, and/or the retention by the District of Columbia of specified rights of way for any public purpose, and/or any other reservations deemed expedient or advisable by said commissioners, such plat or plats shall also show the parcels of land so dedicated, and/or the reserved rights of way, and/or such additional area affected by said closing, with alternative openings occasioned thereby, and/or by certificate thereon any such reservations deemed expedient or advisable by the said Commissioners of the District of Columbia.

Sec. 4. If, after such hearing, the commissioners are of the opinion that any street, road, highway, or alley, or part thereof, should be closed, they shall prepare an order closing the same and shall cause public notice of such order to be given by advertisement for 14 consecutive days, exclusive of Sundays and legal holidays, in at least two daily newspapers of general circulation printed and published in the District of Columbia, and shall serve a copy of such order on each property owner abutting the street, road, highway, or alley, or part thereof, proposed to be closed by such order, and copy of such order shall be served on the owners in person or by registered mail delivered at the last known residence of such owners, or if the owner can not be located the advertisement provided for above shall be deemed sufficient legal notice; or if he be a nonresident of the District of Columbia, by sending a copy thereof by registered mail to his last known place of address: *Provided*, That if no objection in writing be made to the commissioners by any party interested within 30 days after the service of such order, then the said order shall immediately become effective; and the said order and plat or plats as provided for herein shall be ordered by the Commissioners of the District of Columbia recorded in the office of the surveyor of the District of Columbia.

Sec. 5. When any such objection shall be filed with the commissioners as provided in the foregoing section, then the Commissioners of the District of Columbia shall institute a proceeding in rem in the Supreme Court of the District of Columbia for the closing of such street, road, highway, or alley, or part thereof, and its abandonment for street, highway, or alley purposes, and for the ascertainment of damages and the assessment of benefits resulting from such closing and abandonment. Such proceeding shall be conducted in like manner as proceedings for the condemnation of land for streets, under the provisions of chapter 15, subchapter 1, of the Code of Law for the District of Columbia, and such closing and abandonment shall be effective when the damages and benefits shall have been so ascertained and the verdict confirmed.

Sec. 6. Any damages awarded in any proceedings under section 5 of this act, together with the costs of the proceedings, shall be payable from the indefinite annual appropriation for opening, extending, straightening, or widening of any street, avenue, road, or highway, in accordance with the plan of the permanent system of highways of the District of Columbia. Any benefits assessed against private property in any such proceedings shall be a lien upon such property and shall be collected in like manner as provided in section 491-j of the Code of Law for the District of Columbia.

Sec. 7. In any proceedings under section 5 or section 6 of this act it shall be optional with the commissioners either to abide by the verdict and proceed with the proposed closing, or within a

reasonable time to be fixed by the court in its order confirming the verdict, to abandon the proposed closing without being liable for damages therefor.

SEC. 8. Nothing in this act contained shall be construed to prevent the filing of petitions by abutting property owners, or other persons or groups of persons affected by said closing, praying the closing or discontinuance in the public interest of any street, road, highway, or alley, or parts or portions thereof within the District of Columbia; and all such petitions shall be definitely considered by the Commissioners of the District of Columbia, and all action taken by the said commissioners thereon shall be in conformity and compliance with the provisions of this act.

SEC. 9. Nothing in this act shall be construed to repeal the provisions of any existing law authorizing the Commissioners of the District of Columbia to close streets, roads, highways, or alleys, not inconsistent with the provisions of this act, but all such laws shall remain in full force and effect; and in any case to which more than one of these laws is applicable, the Commissioners of the District of Columbia may elect the one under which they will proceed.

SEC. 10. In all cases where necessary to refer to this act, the same may be cited as "the street readjustment act of the District of Columbia."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The joint resolution (H. J. Res. 154) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1197) to liquidate and refinance agricultural indebtedness and to encourage and promote agriculture, commerce, and industry, by establishing an efficient credit system, through which the unjust and unequal burdens placed upon agriculture during the period of price fixing and deflation may be lightened, by providing for the liquidation and refinancing of farm mortgages and farm indebtedness at a reduced rate of interest through the Federal farm loan system, the Federal reserve banking system, and the postal-savings depository system, and creating a board of agriculture to supervise the same, was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MISUSE OF OFFICIAL INSIGNIA

The bill (H. R. 10590) to prohibit the misuse of official insignia was announced as next in order.

Mr. FESS. That has already been passed, has it not?

The PRESIDENT pro tempore. No; it was substituted for Order of Business 668, Senate bill 940.

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter the manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or subordinate thereof, or of any colorable imitation thereof, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate.

SEC. 2. Any person who offends against the provisions of this act shall, upon conviction, be punished by a fine not exceeding \$250 or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

The PRESIDENT pro tempore. Order of Business 668, Senate bill 940, is indefinitely postponed.

CONDEMNATION OF LAND FOR PUBLIC USE IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 5651) to amend chapter 15 of the Code of Laws for the District of Columbia, relating to the condemnation of land for public use, which had been reported from the Committee on the District of Columbia with amendments, on page 3, line 12, to strike out the words "increase or reduce," and to insert in lieu thereof the word "exceed," and on line 15, to strike out

the words "such award" and to insert in lieu thereof the words "the deficiency. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall be less than the amount of the money so received the court shall have the power to enter judgment against the party or parties receiving the same for the amount representing the difference between the amount received and the amount awarded by the jury as fair compensation, and writs of execution may be issued thereon within the same time and have the same effect as liens, and shall be executed and returned in the same manner as if issued upon a common-law judgment," so as to make the bill read:

Be it enacted, etc., That chapter 15 of the Code of Law for the District of Columbia is amended by adding after section 485 the following new section:

"Sec. 485a. Vesting of title pursuant to a declaration of taking: The petitioners may file in the cause, with the petition or at any time before judgment, a declaration of taking, signed by the commissioners, declaring that said lands are thereby taken for use of the District of Columbia. Said declaration of taking shall contain or have annexed thereto—

"(1) A statement of the authority under which and the public use for which the said lands are taken;

"(2) A description of the lands taken sufficient for the identification thereof;

"(3) A statement of the estate or interest in said lands taken for said public use;

"(4) A plan showing the lands taken;

"(5) A statement of the sum of money estimated by the commissioners to be just compensation for the land taken.

"Notwithstanding the provisions of section 483, upon the filing of said declaration of taking and the deposit in the registry of the court, for the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in the declaration, shall vest in the District of Columbia, and the lands shall be deemed to be condemned and taken for the use of the District, and the right to just compensation for the same shall vest in the persons entitled thereto. Said compensation shall be ascertained and awarded in said proceedings and established by judgment therein, and the judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per cent per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the registry. No sum so paid into the registry shall be charged with commissions or poundage.

"Upon the application of the parties in interest, the court may order that the money deposited in the registry of the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled thereto, the court shall enter judgment against the District for the amount of the deficiency. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall be less than the amount of the money so received, the court shall have the power to enter judgment against the party or parties receiving the same for the amount representing the difference between the amount received and the amount awarded by the jury as fair compensation, and writs of execution may be issued thereon within the same time and have the same effect as liens, and shall be executed and returned in the same manner as if issued upon a common-law judgment.

"Upon the filing of the declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioners. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STATE ADMINISTRATIVE BOARDS

The bill (S. 3243) to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to orders of State administrative boards, was announced as next in order.

Mr. REED. Mr. President, the bill involves a question of so much importance that I think it ought not to be taken up at this time when we can not have more than five minutes to discuss it.

Mr. JOHNSON. Mr. President, I think the Senator from Pennsylvania is entirely right, but I would desire, if it be possible before the adjournment of Congress, that we may

take up the bill. I am going to see if the opportunity can not be afforded to take it up some day next week and dispose of it. It is a matter which interests practically every public utility commission in the United States and has the approval of every public utility commission in our country. It is designed to preclude a public utility which has fought through all the steps that the law prescribes for the fixing of rates from taking two bites of the cherry subsequently, one in the State courts and the other in the Federal courts.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

FIELD SEASON CONTRACTS OF FOREST SERVICE

The bill (S. 4261) to facilitate execution of and economy in field season contracts of the Forest Service was announced as next in order.

The PRESIDENT pro tempore. Without objection, Calendar No. 848, the bill (H. R. 11944) to facilitate execution of and economy in field season contracts of the Forest Service will be substituted for the Senate bill.

There being no objection, the Senate considered the bill (H. R. 11944) to facilitate execution of and economy in field season contracts of the Forest Service, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereafter authorized in connection with the administration of the national forests to enter into contracts for the procurement of services, materials, and supplies for the ensuing fiscal year, prior to the passage of an appropriation therefor: *Provided*, That such contracts shall aliquot the cost for such service by fiscal years and shall not be binding on the United States as to that part for the ensuing year unless and until an appropriation applicable to the payment thereof is made: *And provided further*, That all such contracts shall by their terms provide that the obligation of the United States is contingent upon the passage of an applicable appropriation and that no payment thereunder will be made until such appropriation becomes available for expenditure.

The PRESIDENT pro tempore. Without objection, Calendar No. 751, Senate bill 4261, is indefinitely postponed.

AMENDMENT OF RAILWAY LABOR ACT

The bill (S. 4565) to amend the railway labor act was announced as next in order.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. BINGHAM. Mr. President, the Senator will remember that some years ago disputes on the railways, which had led to strikes and interference with public convenience in the handling of the mails, were prevented by the setting up of a board of mediation so that all disputes between the men and the employers were referred to that board. Now we have mail carried by airplanes, and the bill is intended to give to the employees of air transport companies the same right given to locomotive engineers and those who handle mail on trains to take their disputes to the same board.

Mr. HASTINGS. Mr. President, in view of the fact that the board has heretofore only had to do with railway labor, unless we are going to make it apply to all labor engaged in interstate commerce I do not see why we should pick out the employees of the airways and leave out other labor that is engaged in interstate commerce.

Mr. KING. Mr. President, I shall object to the present consideration of the bill, and ask that it may go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

RIVER AND HARBOR ACT MADE APPLICABLE TO VIRGIN ISLANDS

The bill (S. 4680) to extend certain provisions of the river and harbor act of March 3, 1899, to the Virgin Islands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of sections 9 to 18, inclusive, of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, are hereby made applicable to the Virgin Islands and the navigable waters thereof.

Sec. 2. That violations of the provisions of this act may be prosecuted in the District Court of the Virgin Islands of the United States, and jurisdiction is hereby vested in said court to try and determine such causes.

HORACE G. KNOWLES

The bill (S. 4318) for the relief of Horace G. Knowles was announced as next in order.

Mr. REED. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PUNISHMENT FOR SENDING THREATENING COMMUNICATIONS THROUGH MAILS

The bill (H. R. 96) to punish the sending through the mails of certain threatening communications was considered. The bill had been reported from the Committee on the Judiciary with an amendment to strike out after the enacting clause and insert:

Be it enacted, etc., That whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, any written or printed letter or other communication with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any threat (1) to injure the person, property, or reputation of the addressee or of another or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse the addressee or any other person of a crime, or containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than 20 years, or both.

Sec. 2. Whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter of any foreign country any written or printed letter or other communication of the character described in section 1 of this act, addressed to any person within the United States, for the purpose of having such communication delivered by the post-office establishment of such foreign country to the post-office establishment of the United States and by it delivered to the address to which it is directed in the United States, then such person shall be punished in the same manner and to the same extent as provided in section 1 of this act: *Provided*, That any person violating this section may be prosecuted either in the district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon, or in which it was caused to be delivered by the United States mail to the person to whom it was addressed.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BORAH. Mr. President, in order to expedite action upon the measure I move that the Senate insist upon its amendments, request a conference with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed as conferees on the part of the Senate Mr. BORAH, Mr. HASTINGS, and Mr. WALSH of Montana.

CONSTRUING SECTION 503 (B), TARIFF ACT OF 1930

The joint resolution (H. J. Res. 336) construing section 503 (b) of the tariff act of 1930 was considered. The joint resolution had been reported from the Committee on Finance with amendments, on page 1, after line 7, to insert:

And of the concluding provision of section 489 of the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922.

And on page 2, line 2, after "section 503 (b)," to insert "and the concluding provisions of subsection 489"; and on page 2, line 9, after "section 503 (b)," to insert "and the concluding provision of subsection of 489," so as to make the joint resolution read:

Resolved, etc., That it was and is the true intent and meaning of section 503 (b) of the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," approved June 17, 1930, and of the concluding provision of section 489 of the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922, that imported merchandise entered in accordance with the provisions of said section 503 (b) and the concluding provision of said section 489 shall be appraised

and reappraised in the same manner as though the merchandise was not so entered; that the appraisement and reappraisement of such merchandise shall have the same force and effect as in the case of merchandise not so entered; and that entries covered by certification of the importer as provided in said section 503 (b) and the concluding provision of said section 489 shall be liquidated in accordance with the final appraised value of the merchandise covered by such certificates.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Utah [Mr. Smoot] analyze the joint resolution for us?

Mr. SMOOT. Mr. President, I think the report of the Secretary of the Treasury will explain it.

Mr. ROBINSON of Arkansas. I really do not care to have anything read. I wish to know why it is necessary to make this interpretation and what the effect of the interpretation would be. That is all I am interested in knowing.

Mr. SMOOT. I think one paragraph in the report of the Secretary of the Treasury will explain it:

Under the tariff administrative laws the importer is required to declare in the entry the proper value of his merchandise, under pain of having additional duties imposed if the value declared is too low.

Mr. ROBINSON of Arkansas. That sentence recalls the matter to my mind and I have no objection to the consideration of the joint resolution.

The PRESIDENT pro tempore. The question is on agreeing to the amendments of the Committee on Finance.

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 4726) to supplement the migratory bird conservation act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the migratory bird treaty act and regulations thereunder, and for other purposes, was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 127) authorizing appropriations for the maintenance by the United States of membership in the International Council of Scientific Unions was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2513) for the relief of Lynn Brothers' Benevolent Hospital was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. METCALF. Mr. President, will the Senator who objected to the present consideration of Calendar 794, Senate Joint Resolution 127, kindly withdraw his objection and let us return to that order of business.

The PRESIDENT pro tempore. Is there objection?

Mr. BRATTON. I object.

The PRESIDENT pro tempore. Objection is made.

The bill (S. 3188) for the relief of Dr. A. M. Newton, of Pocatello, Idaho, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 10238) creating a reimbursable fund to be used for special medical and surgical work among the Indians of the Fort Peck Indian Reservation, Mont., and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

ADJUSTMENT OF REIMBURSABLE DEBTS OF INDIANS

The bill (H. R. 10884) to authorize the Secretary of the Interior to adjust reimbursable debts of Indians and tribes of Indians, was announced as next in order.

Mr. BANKHEAD. Over.

Mr. FRAZIER. Mr. President, I wish the Senator who made the objection would withhold it for a moment.

Mr. BANKHEAD. I withhold the objection.

Mr. FRAZIER. There were two bills, both sponsored by the Department of the Interior, which passed the House and came to the Senate Committee on Indian Affairs, this one and another one, both having to do with about the same subject—the adjustment of reimbursable debts of Indians.

After an extensive hearing, at which Members of the House, the Assistant Commissioner of Indian Affairs, and some of the attorneys for the Indians were present, a subcommittee was appointed to confer with the department and compromise on the two bills was reached, which we believe and the department believes will take care of the reimbursable debts and not hold the Indians for debts which they have had no part in contracting and not hold them for irrigation debts which have not been of any benefit to them. They are now being held as charges against their lands. The bill provides for a way out of it and the department is very anxious that the measure be passed. I think it is only fair to the Indians that it should be passed.

The PRESIDENT pro tempore. Is the objection maintained?

Mr. BANKHEAD. I will withdraw the objection.

Mr. KING. Mr. President, I shall feel constrained to object to the present consideration of the bill unless the Senator will accept an amendment to insert at the proper place in the bill the following proviso:

Provided, That any proceedings hereunder shall not be effective until approved by Congress.

The Senator understands my reasons. Very frankly, in view of what has been disclosed before the Senator's committee, I am unwilling that this unrestricted and unlimited authority shall be granted to the Bureau of Indian Affairs to extinguish liabilities of individuals, no matter how fair they may be, of millions of dollars unless reports are made to Congress and approved by Congress.

Mr. FRAZIER. I would have no particular objection to that any more than it would, of course, involve a good deal of legislation, perhaps, in the way of approvals by Congress.

Mr. KING. May I say to the Senator that I do not think so. I do not care to express any more definitely my opposition to the bill.

Mr. FRAZIER. Of course, the bill will have to go to conference anyway.

Mr. KING. If the Senator will accept the amendment I shall not object.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The amendment of the Senator from Utah will be stated.

The CHIEF CLERK. On page 2, line 11, after the word "year," insert:

Provided further, That any proceedings hereunder shall not be effective until approved by Congress.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendments of the Committee on Indian Affairs will be stated.

The amendments of the committee were, on page 1, line 3, after the word "authorized," to insert "and directed"; in line 4, after the word "adjust," to insert "or eliminate"; in line 6 to strike out "Indians and the tribal funds of any tribe" and insert in lieu thereof "individual Indians or tribes"; in line 7 to strike out "to him seem" and insert the word "be"; and in line 9, after the word "made," to insert:

Provided, That the collection of all construction costs against any Indian lands within any Government irrigation project is hereby deferred, and no assessments heretofore levied shall be made on behalf of such charges against such lands until the

Indian title thereto shall have been extinguished, and any construction assessments heretofore levied in accordance with the provisions of the act of February 14, 1920 (41 Stat. L. 409), and uncollected, are hereby canceled.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to adjust or eliminate reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians in such a way as shall be equitable and just in consideration of all the circumstances under which such charges were made: *Provided*, That the collection of all construction costs against any Indian lands within any Government irrigation project is hereby deferred, and no assessments heretofore levied shall be made on behalf of such charges against such lands until the Indian title thereto shall have been extinguished, and any construction assessments heretofore levied in accordance with the provisions of the act of February 14, 1920 (41 Stat. L. 409), and uncollected, are hereby canceled: *Provided further*, That a report shall be made to Congress annually, on the first Monday in December, showing adjustments so made during the preceding fiscal year: *Provided further*, That any proceedings hereunder shall not be effective until approved by Congress.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CIRCULATION PRIVILEGE OF BONDS

The bill (H. R. 11499) for restoring and maintaining the purchasing power of the dollar was announced as next in order.

Mr. REED. Over.

Mr. ROBINSON of Arkansas. Mr. President, this is a substitute for the so-called Goldsborough resolution, which passed the House of Representatives some time ago. It gives the circulation privilege to bonds of the United States, when presented by national banks. I wonder if we could not dispose of the resolution and send it to conference? There is recognized to be a necessity for some controlled expansion of the currency. It is thought by the Committee on Banking and Currency that the substitute resolution would accomplish that end. Of course, if the objection is persisted in, it can not be considered now.

Mr. REED. Mr. President, this measure proposes to give the circulation privilege to some \$14,000,000,000 of outstanding United States bonds. It comes to the Senate without a report from the Committee on Banking and Currency, without any opinion from the Treasury, with nothing to show that it has ever been submitted to the Treasury. Yesterday when the Senator from Oklahoma [Mr. THOMAS] presented a bill to give the circulation privilege to \$1,500,000,000 of bonds I communicated with the Treasury Department and got the most ardent dissent.

Mr. ROBINSON of Arkansas. But that was a proposal to issue bonds for the sole purpose of increasing the circulation. This is a proposal to give to all bonds of the United States, when the privilege is sought by banks, the same privilege that other bonds now have. That is a very different proposition.

Mr. REED. The bonds to which the amendment of yesterday referred were bonds of the Reconstruction Finance Corporation for relief purposes. This measure applies to all outstanding United States bonds. It seems to me, without the presence of the Senator who reported the bill, without any report from the committee, without any information from the Treasury, that we would be acting in the dark, and therefore I must object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, in connection with the statement made just a moment ago by the Senator from Pennsylvania [Mr. REED] that the bill (H. R. 11499) for restoring and maintaining the purchasing power of the dollar as reported by the Senate Committee on Banking and Currency would make possible the increase of our circulation by \$14,000,000,000, let me say that it is recalled that the representation made at the time the bill was reported was to the effect that it would only make possible an expansion of the currency of about \$1,000,000,000. The amount of bonds that would be available for

circulation under the terms of the bill is not \$14,000,000,000 but \$1,000,000,000.

Mr. REED. Mr. President, I beg the Senator's pardon. We have \$6,000,000,000 of 4 per cent Liberty bonds now outstanding.

Mr. ROBINSON of Arkansas. I understand perfectly well that such amount of bonds is outstanding, but under the terms of this amendatory bill the limitations are such that only bonds presented by national banks would be given the circulation privilege, and that amount is limited to about a billion dollars, as was stated by the Senator from Virginia [Mr. GLASS], according to my recollection. I merely make this statement in order that the implication that the bill would provide an expansion of currency to the amount of \$14,000,000,000 may be contradicted.

Mr. FLETCHER. Mr. President, I desire to say that this bill is a substitute for what is known as the Goldsborough bill, which passed the other House and which defined as the policy of the United States with reference to stabilizing the purchasing power of the dollar the value of the dollar based upon the price levels of commodities. The Committee on Banking and Currency considered the bill and finally reported by a majority vote—it was not a unanimous vote—this substitute for it. In other words, this bill proposes to strike out all after the enacting clause of the Goldsborough bill, as it came from the House, and to substitute a provision for an expansion of the currency or circulation, allowing the use of Government bonds as the basis of such circulation. In the absence of the Senator from Virginia, who sponsored the amendment, I hardly think we should have time thoroughly to consider the bill.

Mr. LA FOLLETTE. Regular order, Mr. President.

Mr. ROBINSON of Arkansas. The bill has already gone over.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. FLETCHER. I want to say further, in confirmation of what the Senator from Arkansas has said, that the bill contemplates only an inflation, if it may be called that, an expansion of the currency, to the amount of \$1,000,000,000. That is the estimate which was before the committee.

Mr. FESS. Regular order, Mr. President.

The PRESIDENT pro tempore. The regular order is demanded. The clerk will state the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 3346) to provide for the escheat to the United States of certain deposits in national banks was announced as next in order.

Mr. REED. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2370) for the conservation of lobsters, to regulate interstate transportation of lobsters, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PROPOSED RENEWAL AND EXTENSION OF LETTERS PATENT

The bill (S. 1301) to renew and extend certain letters patent was announced as next in order.

Mr. KING. Over.

Mr. SMOOT. Mr. President, I simply want to say in relation to that bill—

Mr. KING. Mr. President, I have been requested by a Senator who is absent to object to the consideration of the bill.

Mr. SMOOT. I certainly should object to the consideration of the bill with all the power I have, but I wish to state why I should object.

When the late Senator Platt, of Connecticut, who was chairman of the Committee on Patents and retired from that committee, and I was appointed as its chairman, I recall one thing he said to me at that time was, "Senator Smoot, never permit the extension of a patent." Since that

time I know of no extension of the life of a patent by Congress, and I hope Senators will never allow such action to be taken. Should we begin such a policy, God only knows when the end will come; and I shall always object to any such proposal.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITION OF LANDS OF COLUMBIA NATIONAL FOREST, WASH.

The Senate proceeded to consider the bill (S. 1492) to add certain lands to the Columbia National Forest in the State of Washington, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 8, after the word "range," to strike out the numeral "5" and to insert "4," so as to make the bill read:

Be it enacted, etc., That subject to any valid existing claim or entry all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Columbia National Forest, in the State of Washington, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (U. S. C., title 16, secs. 486, 487), as amended, are hereby extended and made applicable to all other lands within the said described area:

Sections 1 to 3, inclusive, 6 to 8, inclusive, and 10 to 36, inclusive, in township 3 north, range 4 east; sections 1 to 28, inclusive, 34 to 36, inclusive, in township 4 north, range 4 east; all of township 5 north, range 4 east; sections 1, 2, 11 to 15, inclusive, 22 to 27, inclusive, and 33 to 36, inclusive, in township 6 north, range 4 east; and west half township 6 north, range 5 east, all in the State of Washington, Willamette meridian.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOTICES OF UNDELIVERABLE SECOND-CLASS MATTER

The Senate proceeded to consider the bill (H. R. 10494) to provide a postage charge on notices to publishers regarding undeliverable second-class matter, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 2, line 2, after the word "notice," to insert "except that where the undeliverable copies bear the pledge of the sender to pay the return postage no notice shall be sent to the publisher but the copies received during the period specified in this paragraph shall be returned charged with postage due at the rate of 1 cent for each 4 ounces or fraction thereof, with a minimum charge of 2 cents, and indorsed to show the reason they are undeliverable and the new address of the addressee, if known," so as to make the bill read:

Be it enacted, etc., That the next to the last paragraph of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1911, and for other purposes," approved May 12, 1910 (36 Stat. 366; U. S. C., title 39, sec. 277), is hereby amended by the addition after the first sentence of the following sentence: "Provided, That there shall be a postage charge of 2 cents for such notice regarding undeliverable copies, which shall be collected from the publisher upon delivery of the notice; except that where the undeliverable copies bear the pledge of the sender to pay the return postage no notice shall be sent to the publisher but the copies received during the period specified in this paragraph shall be returned charged with postage due at the rate of 1 cent for each 4 ounces or fraction thereof, with a minimum charge of 2 cents, and indorsed to show the reason they are undeliverable and the new address of the addressee, if known."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXTRA WORK CAUSED BY PAYMENT OF MONEY ORDERS

The bill (H. R. 278) to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ODDIE. Mr. President, will the Senator from Utah withhold his objection to the consideration of the bill for a moment?

Mr. KING. Yes.

Mr. ODDIE. This bill has been passed by the other House and the House Post Office Committee has assured me that they have given very careful attention to the details in connection with it. I think the bill has considerable merit, and I shall appreciate it very much if the Senator from Utah will withdraw his objection. The bill has been passed on favorably by the Senate Committee on Post Offices and Post Roads.

Mr. McKELLAR. Mr. President, as I understand the objection of the Senator from Utah [Mr. KING] to the consideration of the bill, it is to the allowance of additional compensation for the extra labor involved, provision for which is found on page 2 of the bill in the second paragraph of the amendment. If the Senator from Nevada would be willing to strike that language out, omitting the provision as to extra compensation, there would be no objection to the amendment, I am sure.

Mr. ODDIE. What is the wording with reference to extra compensation to which the Senator refers?

Mr. McKELLAR. If the Senator from Utah will withdraw his objection, I will move to strike out all in line 3 after the word "office" down to the end of the paragraph.

The PRESIDENT pro tempore. May the Chair be permitted to suggest that that probably would obviate the necessity for any legislation of this kind whatever.

Mr. McKELLAR. Let it go to conference and be threshed out there.

Mr. ODDIE. I am willing to have it go to conference.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

POSTAGE ON PUBLICATIONS

The bill (H. R. 4594) to fix the rate of postage on publications mailed at the post office of entry for delivery at another post office within the postal district in which the headquarters or general business offices of the publisher are located was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 25 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879 (20 Stat. 361; U. S. C., title 39, sec. 286), is hereby amended by the addition of the following sentence:

"Copies of a publication, other than a weekly, hereafter admitted to the second class of mail matter, when mailed by the publisher or registered news agent at a post office where it is entered, for delivery by letter carriers at a different post office within the delivery limits of which the headquarters or general business offices of the publisher are located, shall be chargeable with postage at the rate that would be applicable if the copies were mailed at the latter office, unless the postage chargeable at the pound rates from the office of mailing is higher, in which case such higher rates shall apply, but this provision shall not be applicable to publications already entered as second-class matter which retain their entry at the post office where now entered."

FEES AND LIMITATION OF INDEMNITY ON REGISTERED MAIL

The Senate proceeded to consider the bill (H. R. 10244) fixing the fees and limits of indemnity for domestic registered mail based upon actual value and length of haul, and for other purposes, which was read as follows:

Be it enacted, etc., That section 3926 of the Revised Statutes of the United States as amended by the act of February 27, 1897 (ch. 340, 29 Stat. L. 599), providing limited indemnity for loss of registered mail matter, and by the act of March 3, 1903, (32 Stat. L. 1174), fixing such indemnity at not exceeding \$100, and that portion of the act of March 4, 1911 (36 Stat. L. 1337), making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, and providing indemnity for the loss of third and fourth class domestic registered matter, which laws were jointly amended by section 3 of the act of May 1, 1928 (45 Stat. L. 469; U. S. C., Supp. V, title 39, sec. 381a), are hereby further amended to read as follows:

"For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed \$1,000 for any one registered piece, or the actual value thereof when that is less than \$1,000, and for which no other compensation or reim-

bursment to the loser has been made: *Provided*, That the Postmaster General may in his discretion provide for the payment of indemnity for the actual value of registered mail or insured mail treated as registered mail in excess of \$1,000, but not in excess of \$10,000, when such mail is not insured with any commercial insurance company or other insuring agency, and may fix the fees chargeable for the risks assumed ratably at the rates fixed up to \$1,000: *Provided further*, That the Postmaster General in his discretion may cause to be underwritten or reinsured in whole or in part with any commercial insurance companies any liability or risk assumed by the Post Office Department in connection with the mailing of any particular registered article or articles.

"Sec. 2. The full value of all registered mail or insured mail treated as registered mail shall be declared by the mailer at the time of mailing unless otherwise prescribed by the Postmaster General, and any claim for indemnity in any amount involving such mail, when the full value knowingly and willfully was not stated at the time of mailing, shall be invalid. All claims for indemnity involving registered mail, or insured mail treated as registered mail, or other insured mail, or collection-on-delivery mail, which is also insured with commercial insurance companies or other insuring agencies, shall be adjusted by the Post Office Department on a pro rata basis as a coinsurer with the commercial insurance companies or other insuring agencies."

Sec. 2. Section 3927 of the Revised Statutes of the United States, as amended by section 209 of the act of February 28, 1925 (43 Stat. L. 1068), and by the first section of the act of May 1, 1928 (45 Stat. L. 469; U. S. C., Supp. V, title 39, sec. 384), be, and the same is hereby, amended further to read as follows:

"Mail matter shall be registered on the application of the party posting the same. The registry fees, which are in addition to the regular postage, and the limits of indemnity therefor within the maximum indemnity provided by law shall be as follows:

"For registry indemnity not exceeding \$5, 15 cents;
 "For registry indemnity exceeding \$5 but not exceeding \$25, 18 cents;
 "For registry indemnity exceeding \$25 but not exceeding \$50, 20 cents;
 "For registry indemnity exceeding \$50 but not exceeding \$75, 25 cents;
 "For registry indemnity exceeding \$75 but not exceeding \$100, 30 cents;
 "For registry indemnity exceeding \$100 but not exceeding \$200, 40 cents;
 "For registry indemnity exceeding \$200 but not exceeding \$300, 50 cents;
 "For registry indemnity exceeding \$300 but not exceeding \$400, 60 cents;
 "For registry indemnity exceeding \$400 but not exceeding \$500, 70 cents;
 "For registry indemnity exceeding \$500 but not exceeding \$600, 80 cents;
 "For registry indemnity exceeding \$600 but not exceeding \$700, 85 cents;
 "For registry indemnity exceeding \$700 but not exceeding \$800, 90 cents;
 "For registry indemnity exceeding \$800 but not exceeding \$900, 95 cents; and
 "For registry indemnity exceeding \$900 but not exceeding \$1,000, 1%.

"*Provided*, That for registered mail or insured mail treated as registered mail having a declared value in excess of the maximum indemnity covered by the registry fee paid there shall be charged additional fees as follows: When the declared value exceeds the maximum indemnity covered by the registry fee paid by not more than \$50, 1 cent; by more than \$50 but not more than \$100, 2 cents; by more than \$100 but not more than \$200, 3 cents; by more than \$200 but not more than \$400, 4 cents; by more than \$400 but not more than \$600, 5 cents; by more than \$600 but not more than \$800, 6 cents; by more than \$800 but less than \$1,000, 7 cents; and if the excess of the declared value over the maximum indemnity covered by the registry fee paid is \$1,000 or more, the additional fees for each \$1,000 or part of \$1,000 on articles destined to points within the several zones applicable to fourth-class matter shall be as follows:

"For local delivery or for delivery within the first zone, 8 cents;
 "For delivery within the second zone, 9 cents;
 "For delivery within the third zone, 10 cents;
 "For delivery within the fourth zone, 11 cents;
 "For delivery within the fifth or sixth zones, 12 cents;
 "For delivery within the seventh or eighth zones, 13 cents.
 "All such fees shall be accounted for in such manner as the Postmaster General shall direct. Mail matter upon the official business of the Post Office Department which requires registering shall be registered free of charge, and pass through the mails free of charge."

Sec. 3. The Postmaster General may make such rules and regulations in accordance with this act as he may consider necessary or advisable.

This act shall become effective July 1, 1932.

Mr. SMOOT. Mr. President, I should like to ask if this bill conforms to the increased rates on postage from 2 cents to 3 cents?

Mr. McKELLAR. Mr. President, I will say to the Senator that it seemed to the committee that the bill ought to pass; and I hope the Senator will withdraw any objection he may

have to it, because we thought it would add to the postal revenues.

Mr. SMOOT. I am not objecting to the bill; but I want to know, inasmuch as postage on first-class mail has been increased from 2 to 3 cents, whether this bill has been made to conform to meet that situation?

Mr. McKELLAR. I do not think it has anything whatever to do with that situation.

Mr. SMOOT. It does not mention the rates at all?

Mr. McKELLAR. No. I think it stands by itself and that it ought to pass, because it means additional revenue to the Government.

Mr. SMOOT. I have not had time to read it.

The bill was ordered to a third reading, read the third time, and passed.

FEES AND INDEMNITIES ON INSURED AND COLLECT-ON-DELIVERY MAIL

The bill (H. R. 10247) prescribing fees and corresponding indemnities for domestic insured and collect-on-delivery mail of the third and fourth class, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, this bill is in exactly the same situation as the one just passed. I think it ought also to be passed, and I hope it will be.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That paragraph (a) of section 211 of Title II of an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. 1069; U. S. C., title 39, sec. 245), as amended (U. S. C., Supp. V, title 39, sec. 245), is further amended to read as follows:

"Sec. 211. (a) The fee for insurance shall be 5 cents for indemnification not to exceed \$5; 10 cents for indemnification not to exceed \$25; 15 cents for indemnification not to exceed \$50; 25 cents for indemnification not to exceed \$100; 30 cents for indemnification not to exceed \$150; and 35 cents for indemnification not to exceed \$200. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 3 cents at the time of mailing, or of 5 cents subsequent to the time of mailing, a receipt shall be obtained for such insured mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided further*, That upon payment of the additional sum of 20 cents at the time of mailing by the sender of an insured article of mail matter, a receipt shall be obtained for such insured mail matter, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery: *Provided further*, That no refund shall be made of fees paid for return receipts for registered or insured mail where the failure to furnish the sender a return receipt or the equivalent is not due to the fault of the Postal Service."

Sec. 2. That paragraph (b) of section 211 of Title II of an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (U. S. C., title 39, sec. 246), is amended to read as follows:

"(b) The fee for collect-on-delivery service for domestic third and fourth class mail shall be 12 cents for collections and indemnity not to exceed \$5; 17 cents for collections and indemnity not to exceed \$25; 22 cents for collections and indemnity not to exceed \$50; 32 cents for collections and indemnity not to exceed \$100; 40 cents for collections and indemnity not to exceed \$150; and 45 cents for collections and indemnity not to exceed \$200."

Sec. 3. This act shall become effective July 1, 1932.

SUITS IN ADMIRALTY

The bill (H. R. 7238) to amend section 5 of the suits in admiralty act, approved March 9, 1920, was announced as next in order.

Mr. McKELLAR. Mr. President, I think there ought to be an explanation of this bill.

Mr. AUSTIN. Mr. President, on the last call of the calendar this bill was explained, but I will try to make a further statement regarding it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. ROBINSON of Arkansas. The Senator from Vermont made an explanation of the bill when it was last under consideration. The Senator from Washington [Mr. DILL] then stated that he had in mind presenting an amendment which he should like to have considered, but at the same time, as I recall, he said that he had no objection to the passage of the bill. He stated to me afterwards that he had no disposition to prevent the passage of the bill, and while I am sure he would like to offer an amendment, I also feel sure that he would not desire to prevent the passage of the bill. I think it is a wholesome measure and a fair and just proposal.

Mr. AUSTIN. Mr. President, I had a talk with the Senator from Washington before he left the city in which he advised me that he did not desire to have the bill held up, but was willing that it should go forward and be passed, and that, if he desired to do so, upon his return he would move a reconsideration of the bill. That is why I urge the Senate to consider this measure and pass it now.

Mr. McKELLAR. Mr. President, the particular provision about which I want to inquire is on page 2, reading as follows:

Provided further, That the limitations in this section contained for the commencement of suits hereunder shall not bar any suit against the United States or the United States Shipping Board Merchant Fleet Corporation, formerly known as the United States Shipping Board Emergency Fleet Corporation, brought hereunder on or before December 31, 1932, if such suit is based upon a cause of action whereon a prior suit in admiralty or an action at law or an action under the Tucker Act of March 3, 1887 (24 Stat. 505; U. S. C., title 28, sec. 250, subdiv. 1), was commenced prior to January 6, 1930, and was or may hereafter be dismissed because not commenced within the time or in the manner prescribed in this act, or otherwise not commenced or prosecuted in accordance with its provisions.

Does not that open the door to suits against the Shipping Board and the Emergency Fleet Corporation that are not now authorized by law? What is the purpose of that if it is not to do that very thing?

Mr. AUSTIN. No, Mr. President; I understand that it does not do that. All this bill seeks to accomplish—

Mr. McKELLAR. We find such a provision in the bill. If it does not mean new suits may be filed against the Shipping Board and the Emergency Fleet Corporation, what does it mean? I do not think that such suits should be allowed to be filed after this long time.

Mr. AUSTIN. Mr. President, attempting to answer the first question of the Senator, I will say that such actions as those referred to by the Senator from Tennessee are already permissible and this bill merely seeks to exempt them from the effect which existing law might otherwise have upon them.

The object of this measure is merely to save the rights which private shipping companies must give to people engaged in international commerce. The United States went into business and undertook the same liability that private competing carriers undertook. For years the business depended upon these rights—and they were rights; they were not privileges—and then suddenly a decision of the court determined that all actions which had already been brought under the admiralty act had been brought in the wrong court under the wrong act. That decision came so late, some 10 years in some instances after the act was passed, that it caught unawares these customers of the United States Government which had gone into the shipping business. All this bill is intended to do is to do justice to its customers, and nothing more.

Mr. McKELLAR. As I understand the Senator, these proposed litigants have heretofore filed suit, and it was dismissed because of lack of jurisdiction; was it?

Mr. AUSTIN. Yes; lack of jurisdiction.

Mr. McKELLAR. The merits were not passed upon by the courts at all?

Mr. AUSTIN. They were never passed upon for years.

Mr. McKELLAR. And the purpose of this bill is merely to give these proposed litigants the right to have their claims passed upon upon the merits? Is that what I understand?

Mr. AUSTIN. That is correct.

Mr. McKELLAR. How many will be involved in this particular matter?

Mr. AUSTIN. About 187 different cases. Many of those cases arise out of injuries to persons who were in the employ of the Emergency Fleet Corporation. Others are cargo cases, where cargoes were destroyed by the negligence of the Emergency Fleet Corporation. The passage of this bill does not determine the justice of the claims, of course. It will merely permit these claimants to go on and prove their claims, if they have any.

Mr. McKELLAR. In other words, it simply gives them the right to have the merits of their claims passed upon, which merits were not passed upon in the former litigation?

Mr. AUSTIN. That is correct.

Mr. HASTINGS. Mr. President—

Mr. AUSTIN. I yield to the Senator from Delaware.

Mr. HASTINGS. I should like to call attention to the fact that the Fleet Corporation has on hand at the present time an insurance fund set aside to meet claims of this kind of approximately \$3,400,000, so that the passage of the bill will not require appropriations of any kind by the Government.

Mr. AUSTIN. That is true.

The Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the suits in admiralty act (41 Stat. 525; U. S. C., title 46, secs. 741-745), approved March 9, 1920, is amended to read as follows:

"Sec. 5. That suits as herein authorized may be brought only on causes of action arising since April 6, 1917: *Provided*, That suits based on causes of action arising prior to the taking effect of this act shall be brought within one year after this act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises: *Provided further*, That the limitations in this section contained for the commencement of suits hereunder shall not bar any suit against the United States or the United States Shipping Board Merchant Fleet Corporation, formerly known as the United States Shipping Board Emergency Fleet Corporation, brought hereunder on or before December 31, 1932, if such suit is based upon a cause of action whereon a prior suit in admiralty or an action at law or an action under the Tucker Act of March 3, 1887 (24 Stat. 505; U. S. C., title 28, sec. 250, subdiv. 1), was commenced prior to January 6, 1930, and was or may hereafter be dismissed because not commenced within the time or in the manner prescribed in this act, or otherwise not commenced or prosecuted in accordance with its provisions: *Provided further*, That such prior suit must have been commenced within the statutory period of limitation for common-law actions against the United States cognizable in the Court of Claims: *Provided further*, That there shall not be revived hereby any suit at law, in admiralty, or under the Tucker Act heretofore or hereafter dismissed for lack of prosecution after filing of suit: *And provided further*, That no interest shall be allowed on any claim prior to the time when suit on such claim is brought as authorized hereunder."

AMENDMENT OF UNITED STATES EMPLOYEES' COMPENSATION ACT

The bill (S. 3531) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, be amended as follows:

That subdivision (G) of section 10 of said act is amended to read as follows:

"(G) The compensation of each beneficiary under clause (E) shall be paid until he dies, marries, or ceases to be dependent. The compensation of each beneficiary under clause (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of 18, or, if over 18 and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian."

TRANSFERORS FOR COLLECTION OF NEGOTIABLE INSTRUMENTS

The Senate proceeded to consider the bill (S. 4034) to provide that transferors for collection of negotiable instruments shall be preferred creditors of national banks in cer-

tain cases, which had been reported from the Committee on Banking and Currency with an amendment, on page 1, line 5, after the word "preferred," to strike out "creditor" and insert "claimant," so as to make the bill read:

Be it enacted, etc., That upon appointment of a receiver of any national bank, the transferor of a negotiable instrument transferred to such bank for collection shall be a preferred claimant in the amount of the liability of such bank, if such negotiable instrument (1) is forwarded to such bank by any other bank, firm, or individual for collection and remittance, and payment therefor in money or its equivalent in value, has not been made; (2) such negotiable instrument has been transferred to such bank after the enactment of this act; and (3) has been collected either in the whole or in part by such bank. The provisions of this act shall not apply to any case where the transferor is a voluntary depositor in the bank and the proceeds of the collection have been upon request of indorser, credited by the bank to his account.

The amendment was agreed to.

Mr. KING. Mr. President, may we have an explanation of this bill?

Mr. GOLDSBOROUGH. Mr. President, this is a bill introduced by the Senator from Texas [Mr. SHEPPARD] and unanimously reported favorably by the Committee on Banking and Currency.

The purpose and object of the bill is to provide that transferors for collection of negotiable instruments, checks and the like, shall be preferred creditors of insolvent banks in certain cases. If a man transmits a check to a bank for collection, and the bank collects the proceeds thereof, but before it forwards the proceeds to the person by whom it was sent in for collection the bank goes into insolvency, such funds have always been treated as part of the general assets of the bank. This bill will give preference to the transferor. That is the simple purpose of the bill.

Mr. KING. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAISY ANDERSON

The Senate proceeded to consider the bill (S. 1978) for the relief of Daisy Anderson, which had been reported from the Committee on Claims with an amendment, on page 2, line 2, after the word "law," to insert "Provided, That no benefit shall accrue prior to the enactment of this act," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by Daisy Anderson, a former nurse in the Government service, the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, in order that she may receive the same consideration as though she had applied within the specified time required by law: *Provided, That no benefit shall accrue prior to the enactment of this act.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

R. K. STILES & CO.

The bill (H. R. 3987) for the relief of R. K. Stiles & Co. was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. K. Stiles & Co., of Kansas City, Kans., the sum of \$569.34, representing the sum expended by said R. K. Stiles & Co. in the reconstruction of a retaining wall between its property in the city of Kansas City, Kans., and the Wyandotte Indian Cemetery at Kansas City, Kans., which collapsed on June 1, 1929, and repairing damage to buildings on its property as the result of such collapse.

AMOUNTS DUE DECEASED OR INCOMPETENT INDIANS

The Senate proceeded to consider the bill (S. 4756) to authorize the Veterans' Administration or other Federal agencies to turn over to superintendents of the Indian Service amounts due Indians who are under legal disability, or to estates of such deceased Indians, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 6, after the word "Government,"

to insert "for whom no legal guardians or other fiduciaries have been appointed," so as to make the bill read:

Be it enacted, etc., That any money accruing from the Veterans' Administration or other governmental agency to incompetent adult Indians, or minor Indians, who are recognized wards of the Federal Government, for whom no legal guardians or other fiduciaries have been appointed may be paid, in the discretion of the Administrator of Veterans' Affairs, or other head of a governmental bureau or agency, having such funds for payment, to such superintendent or other bonded officer of the Indian Service as the Secretary of the Interior shall designate, for the use of such beneficiaries, or to be paid to or used for, the heirs of such deceased beneficiaries, to be handled and accounted for by him with other moneys under his control, in accordance with existing law and the regulations of the Department of the Interior.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEES FOR ISSUANCE OF DOMESTIC MONEY ORDERS

The Senate proceeded to consider the bill (H. R. 10246) to fix the fees to be charged for the issue of domestic money orders, which had been reported from the Committee on Post Offices and Post Roads with an amendment to strike out all after line 6 on page 1 and to insert:

"SEC. 3. A money order shall not be issued for more than \$100, and the fees for domestic money orders shall be fixed, and may from time to time be revised, by the Postmaster General with a view to promoting the service to the public, insuring a receipt of revenue from such service adequate to pay the cost thereof, and meeting competitive rates."

SEC. 2. This act shall become effective July 1, 1932.

So as to make the bill read:

Be it enacted, etc., That section 3 of the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883, as amended (U. S. C., title 39, sec. 716), is amended to read as follows:

"SEC. 3. A money order shall not be issued for more than \$100, and the fees for domestic money orders shall be fixed, and may from time to time be revised, by the Postmaster General with a view to promoting the service to the public, insuring a receipt of revenue from such service adequate to pay the cost thereof, and meeting competitive rates."

SEC. 2. This act shall become effective July 1, 1932.

The amendment was agreed to.

Mr. KING. Mr. President, I will ask the chairman of the committee if there is a unanimous report by the committee on this bill.

Mr. ODDIE. Yes, Mr. President.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to authorize the Postmaster General to fix the fees to be charged for the issue of domestic money orders."

LANDS IN BUCKS COUNTY, PA.

The Senate proceeded to consider the resolution (S. Res. 221) referring the bill (S. 3442) for relief of the former owners of certain lands in Bucks County, Pa., to the Court of Claims for findings of fact, which was read, as follows:

Resolved, That the bill (S. 3442) entitled "A bill for the relief of the former owners of certain lands in Bucks County, Pa., condemned by the Government of the United States," now pending in the Senate, together with all the accompanying papers, be, and same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. KING. Mr. President, will the Senator from Kentucky [Mr. LOGAN] give an explanation of this bill? There is no report, and that is the reason why I ask.

Mr. LOGAN. Mr. President, the former owners of certain lands in Pennsylvania claim the right to receive money from the Government, and apparently they are entitled to it. The committee, however, did not have all the facts; and the easiest way to get out of the consideration of the bill at the present time is to send it to the Court of Claims to find the facts and report back to us.

That is all that the resolution provides for. It is an important matter, but rather involved; so we are not asking

that the question be determined at all, but simply that the Court of Claims find the facts and report to Congress, and Congress is to determine it.

The resolution was agreed to.

POTASSIUM-BEARING LANDS IN TOOELE COUNTY, UTAH

The Senate proceeded to consider the bill (H. R. 5062) to authorize the exchange of potassium-bearing lands in Tooele County, Utah, between the United States and private owners, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 3, line 18, after the word "also," to insert "north half section 4," and on the same page, line 24, after the word "following," to strike out:

West half section 19; west half section 30; west half section 31, in township 2 south of range 17 west. Also south half section 15; northwest quarter, southeast quarter and south half southwest quarter section 17; north half and south half south half section 18; all section 19; all section 20; all section 21; all section 22; all section 23; all section 24; all section 25; all section 26; all section 27; all section 28; all section 29; north half, southeast quarter, and north half southwest quarter section 30; south half northwest quarter, southwest quarter, and west half southeast quarter section 31; all section 33; all section 34; all section 35, in township 2 south of range 18 west. Also north half section 1; north half section 2; north half section 3, in township 3 south of range 18 west. Also west half section 22; east half and west half west half section 23; all section 25; east half and west half west half section 26; all section 27; south half northeast quarter and southeast quarter section 33; west half southwest quarter, and southeast quarter section 34; south half north half and south half section 35, in township 1 south of range 19 west. Also east half and west half west half section 3; east half section 4; east half section 9; east half and west half west half section 10; north half and south half southwest quarter section 13; north half, southeast quarter, and southwest quarter southwest quarter section 14; northeast quarter, west half west half, southeast quarter southwest quarter, and south half southeast quarter section 15; north half section 22; northeast quarter, west half west half, southeast quarter southwest quarter, and southwest quarter southeast quarter section 23; west half and west half east half section 24; southwest quarter northeast quarter, south half northwest quarter, southwest quarter, and west half southeast quarter section 25; southeast quarter northeast quarter, west half northeast quarter and southeast quarter section 26, in township 2 south of range 19 west, all of Salt Lake meridian, and containing 21,263.28 acres, more or less.

And to insert:

Northwest quarter, south half southwest quarter, and southeast quarter section 17; lots 1, 2, 4, northeast quarter, east half northwest quarter, southeast quarter southwest quarter, south half southeast quarter section 18; all section 19; all section 20; all section 29; lots 1, 2, 3, northeast quarter, east half northwest quarter, northeast quarter southwest quarter, southeast quarter section 30; lots 2, 3, 4, southeast quarter northwest quarter, east half southwest quarter, west half southeast quarter section 31, in township 2 south of range 18 west. Also lots 3, 4, 5, southeast quarter northwest quarter section 6, in township 3 south of range 18 west. Also west half section 21; west half section 22; east half, west half west half section 23; all section 25; east half, west half west half section 26; all section 27; west half section 28; south half northeast quarter, northwest quarter, south half section 33; west half southwest quarter, southeast quarter section 34; south half north half, south half section 35, in township 1 south of range 19 west. Also lots 1, 2, 4, south half northeast quarter, southwest quarter northwest quarter, west half southwest quarter, southeast quarter section 3; all section 4; lot 1, southeast quarter northeast quarter, northeast quarter southeast quarter, south half southeast quarter section 5; east half section 8; all section 9; east half, west half west half section 10; north half, south half southwest quarter section 13; north half, southwest quarter southwest quarter, southeast quarter section 14; northeast quarter, west half west half, southeast quarter southwest quarter, south half southeast quarter section 15; east half section 17; east half section 20; all section 21; all section 22; northeast quarter, west half west half, southeast quarter southwest quarter, southwest quarter southeast quarter, section 23; west half east half, west half section 24; southwest quarter northeast quarter, south half northwest quarter, southwest quarter, west half southeast quarter section 25; southeast quarter northeast quarter, west half northeast quarter, northwest quarter, south half section 26; all section 27; all section 28; all section 29; east half east half section 30; east half east half section 31; all section 33; all section 34; all section 35 in township 2 south of range 19 west. Also lots 1, 2, 3, 4, south half north half section 1; lots 1, 2, 3, 4, south half north half section 3; lots 1, 2, 3, 4, south half north half section 4; lots 1, 2, 3, 4, south half north half section 5; lot 1, southeast quarter northeast quarter section 6 in township 3 south of range 19 west, all of Salt Lake meridian and containing 21,654.63 acres, more or less.

So as to make the bill read:

Be it enacted, etc., That in order to encourage and facilitate the development of lands in Tooele County, Utah, believed to contain

potassium and associated minerals in commercial quantities, and in order to make it possible for the owners of land of that character in said county to consolidate their holdings into substantially compact form suitable for economic development, and in order to restore to public ownership lands in such compact form as to allow their economic development for said minerals, the Secretary of the Interior be and he is hereby authorized, in his discretion, to accept on behalf of the United States conveyance of title to lands hereinafter described now in private ownership, containing 21,323.84 acres, more or less, held in fee under United States patents, and in exchange therefor may patent to said private owners public lands of like character in said State of equal area and value to the lands conveyed.

SEC. 2. Patented lands whereof title may be reconveyed to and accepted by the United States are the following: North half section 5; north half section 6; south half section 17; south half section 18; south half section 27; south half section 28; south half section 29; south half section 30, in township 2 north of range 15 west. Also south half section 1; south half section 2; south half section 4; south half section 5; south half section 6; north half section 9; north half section 10; north half section 19; north half section 20; north half section 21; north half section 22; north half section 23; north half section 24; south half south half section 30; north half and north half south half section 31; north half section 32, northwest quarter section 33, in township 1 north of range 15 west. Also south half section 18; north half section 19, in township 1 south of range 15 west. Also northeast quarter section 8; north half section 9; east half section 10; south half section 13; south half section 14; east half section 15; south half section 17; south half section 18; east half and east half west half section 22; west half west half section 23; east half section 27; east half section 34, in township 2 north of range 16 west. Also south half section 1; south half and northeast quarter section 3; southeast quarter section 4; south half and south half north half section 6; north half north half section 7; east half section 10; south half south half section 13; east half section 15; north half section 19; north half section 20; north half and north half south half section 24; east half section 27; south half section 29; south half section 30; east half section 34, in township 1 north of range 16 west. Also south half section 14; south half section 15; south half section 17; south half section 18; north half section 22; north half section 23, in township 1 south of range 16 west. Also south half section 3; southeast quarter section 4; northeast quarter section 20; north half section 21, in township 1 north of range 17 west. Also north half section 4; southeast quarter section 6; east half section 7; east half section 18; east half section 19; east half section 30, in township 3 south of range 18 west, all of Salt Lake meridian, and containing 21,323.84 acres, more or less.

Lands which may be conveyed by patent under the terms of this act are the following: Northwest quarter, south half southwest quarter, and southeast quarter section 17; lots 1, 2, 4, northeast quarter, east half northwest quarter, southeast quarter southwest quarter, south half southeast quarter section 18; all section 19; all section 20; all section 29; lots 1, 2, 3, northeast quarter, east half northwest quarter, northeast quarter southwest quarter, southeast quarter section 30; lots 2, 3, 4, southeast quarter northwest quarter, east half southwest quarter, west half southeast quarter section 31, in township 2 south of range 18 west. Also lots 3, 4, 5, southeast quarter northwest quarter section 6, in township 3 south of range 18 west. Also west half section 21; west half section 22; east half, west half west half section 23; all section 25; east half, west half west half section 26; all section 27; west half section 28; south half northeast quarter, northwest quarter, south half section 33; west half southwest quarter, southeast quarter section 34; south half north half, south half section 35, in township 1 south of range 19 west. Also lots 1, 2, 4, south half northeast quarter, southwest quarter northwest quarter, west half southwest quarter, southeast quarter section 3; all section 4; lot 1, southeast quarter northeast quarter, northeast quarter southeast quarter, south half southeast quarter section 5; east half section 8; all section 9; east half, west half west half section 10; north half, south half southwest quarter section 13; north half, southwest quarter southwest quarter, southeast quarter section 14; northeast quarter, west half west half, southeast quarter southwest quarter, south half southeast quarter section 15; east half section 17; east half section 20; all section 21; all section 22; northeast quarter, west half west half, southeast quarter southwest quarter, southwest quarter southeast quarter, section 23; west half east half, west half section 24; southwest quarter northeast quarter, south half northwest quarter, southwest quarter, west half southeast quarter section 25; southeast quarter northeast quarter, west half northeast quarter, northwest quarter, south half section 26; all section 27; all section 28; all section 29; east half east half section 30; east half east half section 31; all section 33; all section 34; all section 35 in township 2 south of range 19 west. Also lots 1, 2, 3, 4, south half north half section 1; lots 1, 2, 3, 4, south half north half section 3; lots 1, 2, 3, 4, south half north half section 4; lot 1, southeast quarter northeast quarter section 6 in township 3 south of range 19 west, all of Salt Lake meridian and containing 21,654.63 acres, more or less.

SEC. 3. If any of the lands hereby authorized to be conveyed by patent by the United States in exchange for privately owned lands shall be found to be included in any pending application or applications for lease under the potash acts of 1917 (40 Stat. 297; U. S. C., title 30, sec. 141 et seq.), and/or 1927 (44 Stat. 1057; U. S. C., title 30, sec. 281 et seq.), said lands or any part thereof may by any such applicant be relinquished to the United States,

and any lands so relinquished may be patented to such private owners under the provisions of this act, and any such applicant who shall have so relinquished lands may be permitted by the Secretary of the Interior to select and apply for leases of other public lands believed to contain potassium and associated minerals and located in the immediate vicinity and of approximately equal value and area. In order to accomplish such consolidation, said Secretary may likewise grant leases of public lands believed to be valuable for said minerals, in exchange for surrender of subsisting leases or rights to leases under said acts.

The amendments were agreed to.

Mr. McKELLAR. Mr. President, will the Senator from Utah explain this bill to the Senate?

Mr. SMOOT. I shall be glad to do so. There is, however, one other amendment. The department tells me that in figuring the acreage, as found on page 3, line 22, instead of being 21,323.84 acres it should be 21,647.96 acres.

I ask that that amendment be made.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, line 22, it is proposed to strike out "21,323.84" and insert in lieu thereof "21,647.96."

The amendment was agreed to.

Mr. SMOOT. Mr. President, in answer to the Senator from Tennessee, I wish to say that the south part of Salt Lake, which is 20 per cent salt, has been over a certain area of ground there for ages. The lake, as is well known, has been receding for years and years. There is a whole valley there that once was covered by the lake. Around those marshes near the lake Mr. J. L. Silsbee and his associates have made numerous investigations, and his company owns some 21,000 acres of land there. The Government also owns certain sections of land there. Mr. J. L. Silsbee and his associates feel that they can manufacture potash by a process that they have. Whether they can or whether they can not is undetermined. All that this bill asks is to exchange certain sections for other sections of the same kind of land, so that the lands that are owned by Mr. J. L. Silsbee and his associates will be in one body and the Government's lands will be in one body.

Mr. McKELLAR. Are they all a part of the receded lake-lands?

Mr. SMOOT. Every bit of them, Mr. President. It is simply a case of bringing the lands together. There is no difference at all in the lands; but for the purpose of working the land it ought to be all in one body, and that is what the department thinks.

Mr. McKELLAR. It is just to give those people an opportunity to manufacture potassium if they can?

Mr. SMOOT. If they can; that is all. It is a great risk to run. I want to say to the Senator that I would not put a dollar into it. The percentage of potassium is low; but they think they have a process, unknown so far, of which they can make a success.

Mr. McKELLAR. Very well; I will take the Senator's word for it.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SABINE RIVER BRIDGE, LOUISIANA-TEXAS

The bill (H. R. 11153) to extend the times for commencing and completing the construction of a bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 87 was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Sabine River between Calcasieu Parish, La., and Newton County, Tex., where Louisiana Highway No. 7 meets Texas Highway No. 87, authorized to be built by the State of Louisiana and the State of Texas by an act of Congress approved February 24, 1931, are hereby extended one and three years, respectively, from date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY

The Senate proceeded to consider the joint resolution (S. J. Res. 157) to extend the time for filing claims under

the settlement of war claims act of 1928, and for other purposes, which was read, as follows:

Resolved, etc., That the President of the United States is requested to enter into an agreement with the German Government by which the Mixed Claims Commission, United States and Germany, will be given jurisdiction of and authorized to decide claims of the same character as those of which the commission now has jurisdiction, notice of which is filed with the Secretary of State after July 1, 1928, but before July 1, 1932. If such agreement is entered into before October 1, 1932, awards in respect of such claims shall be certified under subsection (a) of section 2 of the settlement of war claims act of 1928, as amended, and shall be in all other respects subject to the provisions of such act, as amended, to the same extent as if notice thereof had been filed prior to July 1, 1928; except that nothing in this joint resolution shall be construed to affect any payment heretofore made under such act, as amended.

SEC. 2. (a) No payments shall be made on awards certified pursuant to section 1 of this joint resolution unless application therefor is made within three years after the date of the enactment of this joint resolution, in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) Subsection (g) of section 2, and subsection (f) of section 5, of the settlement of war claims act of 1928, as amended, are further amended, respectively, by striking out the words "four years" wherever such words appear therein and inserting in lieu thereof the words "five years."

Mr. BORAH. Mr. President, I move to strike from this joint resolution all that part included in lines 14 to 18, inclusive, on page 2. I do that because that matter is covered by Joint Resolution 97, which has passed the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to, striking out the following words:

(b) Subsection (g) of section 2, and subsection (f) of section 5, of the settlement of war claims act of 1928, as amended, are further amended, respectively, by striking out the words "four years" wherever such words appear therein and inserting in lieu thereof the words "five years."

Mr. SHEPPARD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Texas offers the following amendment:

After the word "jurisdiction," on page 1, line 8, insert:

And any other claim of an American citizen based upon a written contract with the German Government after the armistice of November 11, 1918, and prior to the date of the treaty of peace between the United States and Germany following the close of the World War.

Mr. BORAH. I see no objection to that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

J. N. GORDON

The bill (H. R. 8777) for the relief of J. N. Gordon was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to adjust and settle the claim of J. N. Gordon, arising out of the relinquishment of certain lands included in mineral entry, Denver, No. 040111, for which the payments had theretofore been made, and to allow said claim in the amount of \$382.50 in full and final settlement thereof.

SEC. 2. To enable the Comptroller General to carry out the provisions of this act there is hereby appropriated, out of that subdivision of the Confederate Bands of Utes 4 per cent fund to which the same was heretofore credited, the sum of \$382.50 to pay this claim.

OIL AND GAS PROSPECTING PERMITS

The bill (H. R. 11639) to authorize extensions of time on oil and gas prospecting permits, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That any oil or gas prospecting permit issued under the act of February 25, 1920 (41 Stat. 437), or extended under the act of January 11, 1922 (42 Stat. 356), or as further extended under the acts of April 5, 1926 (44 Stat. 236), March 9, 1928 (45 Stat. 252), and the act of January 23, 1930 (46 Stat. 58),

may be extended by the Secretary of the Interior for an additional period of three years in his discretion, on such conditions as he may prescribe.

SEC. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this act, any permit which has already expired because of lack of authority under existing law to make further extensions may be extended for a period of three years from the date of the passage of this act.

GEORGETOWN FEMALE ORPHAN ASYLUM AND WASHINGTON CITY ORPHAN ASYLUM

The bill (S. 4673) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1828, as amended by act of June 23, 1874, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1828, as amended by act of June 23, 1874 (relating to the amount of annual income from property belonging to the trustees of either of said corporations), is amended by striking out "to a sum not exceeding \$25,000 per annum" and inserting in lieu thereof "and such clear annual income of each of said corporations shall be applied to and for the purposes for which it was incorporated."

ABANDONED LIGHTHOUSE RESERVATION AND BUILDINGS, ERIE, PA.

The Senate proceeded to consider the bill (S. 4835) to provide for the conveyance of the abandoned lighthouse reservation and buildings, including detached tower, situate within the city limits of Erie, Pa., to the city for public-park purposes, which was read, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to transfer and convey to the city of Erie, Pa., all that certain piece and parcel of land belonging to the United States of America situate in the city of Erie, in the county of Erie and State of Pennsylvania, known as the old lighthouse property and being the lands and premises described in a certain deed made by Myron Sanford and Susan M. Sanford, his wife, dated November 22, 1884, recorded in recorder's office for Erie County, Pa., in deed book No. 80, page 606, bounded and described as follows: Beginning 58 perches down Lake Erie from the corner post of John Kelso's survey, thence south 27 degrees east, 20 perches to a post; thence north 63 degrees east, 16 perches to a post; thence north 27 degrees west, 20 perches to a post on the bank of the lake; and thence up the lake to the place of beginning, containing 2 acres of land, being the same piece of land conveyed to the United States for lighthouse purposes by John Kelso on April 1, 1812, purchased at public auction from the United States by said Myron Sanford March 1, 1881, and conveyed to said Myron Sanford by Charles J. Folger, Secretary of the Treasury, by deed dated May 8, 1883, which deed is recorded in the registry of deeds of Erie County, Pa., in deed book No. 76, page 525; the same to be held and made available permanently by said city for public-park purposes: *Provided,* That should the city of Erie fail to keep and hold the described parcel of land and buildings for public-park purposes or devote same to any use inconsistent with said purpose, then title to said land shall revert to and be reinvested in the United States.

Mr. KING. Mr. President, may I ask the Senator from Pennsylvania whether there is any payment to be made for this land?

Mr. REED. No, Mr. President. The lighthouse has been abandoned. The Department of Commerce recommends that it be surrendered back to the State. It is merely an expense to the United States if it is going to keep it up, but the light has not been kept lighted at all. It is not used.

As the Senator knows, the harbor of Erie is formed by a long, narrow peninsula. It is all a city park excepting this lighthouse at the tip, and everybody is glad to have it absorbed by the State.

Mr. JOHNSON. Mr. President, I may add to that that the bill was introduced at the instance of the department themselves.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EARL A. ROSS

The Senate proceeded to consider the bill (S. 4806) for the relief of Earl A. Ross, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 4, after the words "empowered to," to

strike out "select" and insert "enter under the homestead laws of the United States," so as to make the bill read:

Be it enacted, etc., That Earl A. Ross, of Boston, Mass., may, and is hereby empowered to, enter under the homestead laws of the United States 160 acres of land and timber along the border of any national forest in western Washington State, in lieu of lands and timber previously selected by him in Pacific County, Wash., in one or more parcels in the timber areas thereof, with the approval of the Secretary of Agriculture, and that patent be issued to said Earl A. Ross covering the land so selected and approved. Said selections shall not interfere with or include rangers' stations or buildings belonging to said reserves, nor any natural resources within said reserves, such as mineral springs or points or places generally known to be of scenic beauty, and all trails, roadways, approaches within the area taken shall remain property of the United States of America, usable and free to use as though this act had not been passed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK P. ROSS

The Senate proceeded to consider the bill (S. 4807) for the relief of Frank P. Ross, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 4, after the words "empowered to," to strike out "select" and insert "enter under the homestead laws of the United States," so as to make the bill read:

Be it enacted, etc., That Frank P. Ross, of Tacoma, Wash., may, and is hereby empowered to, enter under the homestead laws of the United States 160 acres of land and timber along the border of any national forest in western Washington State, in lieu of lands and timber previously selected by him in Pacific County, Wash., in one or more parcels in the timber areas thereof, with the approval of the Secretary of Agriculture, and that patent be issued to said Frank P. Ross covering the land so selected and approved. Said selections shall not interfere with or include rangers' stations or buildings belonging to said reserves, nor any natural resources within said reserves, such as mineral springs, or points or places generally known to be of scenic beauty, and all trails, roadways, approaches within the area taken shall remain property of the United States of America, usable and free to use as though this bill had not been passed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF GOVERNMENT-OWNED WHEAT TO AMERICAN NATIONAL RED CROSS

The joint resolution (S. J. Res. 172) authorizing the distribution of Government-owned wheat to the American National Red Cross for relief of distress was announced as next in order.

Mr. McNARY. Mr. President, a few days ago the House of Representatives passed a similar, but not an identical, measure known as House Joint Resolution 418. I ask unanimous consent to substitute the House joint resolution, strike out all after the enacting clause of the House joint resolution, and insert the Senate joint resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 418) authorizing the distribution of Government-owned wheat and cotton to the American National Red Cross and other organizations for relief of distress.

The CHIEF CLERK. The Senator from Oregon moves to strike out all after the enacting clause and to insert:

That the Federal Farm Board is authorized and directed to take such action as may be necessary to deliver to the American National Red Cross, on June 15, 1932, or as soon thereafter as may be practicable, 50,000,000 bushels of wheat of the Grain Stabilization Corporation, for use in providing food for the needy and distressed people of the United States and Territories, and for feed for livestock in the 1932 crop-failure areas.

SEC. 2. No part of the expenses incident to the delivery, receipt, storage, processing, and distribution of such wheat shall be borne by the United States or the Federal Farm Board. Such wheat may be transported, stored, milled, or processed into food for distribution, and the American National Red Cross may pay the direct costs connected therewith by exchange of wheat.

SEC. 3. The Federal Farm Board shall keep account of all wheat delivered as authorized in section 1 and shall credit the account of the Grain Stabilization Corporation with an amount equal to

the current market value thereof at the time of delivery. The revolving fund of the Federal Farm Board under the agricultural marketing act shall be reimbursed in the same amount. Additional amount is hereby authorized to be appropriated and made immediately available to the Federal Farm Board.

The amendment was agreed to.

Mr. KING. Mr. President, may I ask the Senator if this is in addition to the amount heretofore allocated?

Mr. McNARY. Yes, Mr. President. The allocation heretofore was 40,000,000 bushels. All but about 10,000,000 bushels of that has been committed by the Farm Board to the Red Cross. This is in addition thereto, to meet the situation between now and next spring.

Mr. McKELLAR. How much does this joint resolution provide for?

Mr. McNARY. Fifty million bushels.

Mr. McKELLAR. I think it is entirely proper, and should be passed.

Mr. FLETCHER. Mr. President, is this 50,000,000 bushels in addition to the 40,000,000 bushels?

Mr. McNARY. Yes. I stated a moment ago that of that 40,000,000 bushels heretofore appropriated, all has been used but 10,000,000 bushels; and this is carrying the work over to the fall.

Mr. FLETCHER. May I say in that connection that it is reported that a good deal of this wheat that has been stored is spoiling, or has spoiled, and is unfit for human use. I do not see any reason why that should not be furnished as poultry feed. Poultry feed is very expensive.

Mr. McNARY. That probably would be done if the Senator would make the request to the distinguished chairman of the Red Cross, Mr. Payne.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the distribution of Government-owned wheat to the American National Red Cross for relief of distress."

CONTRACTS FOR PUBLIC WORKS IN THE DISTRICT

The Senate proceeded to consider the bill (H. R. 437) to require a contractor to whom is awarded any contract for public buildings or other public works or for repairs or improvements thereon in the District of Columbia to give bond for the faithful performance of the contract, for the protection of persons furnishing labor and materials, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments, on page 2, line 4, after the word "contractor," to strike out "subcontractor"; at the top of page 3, to strike out "department under the direction of which said work has been prosecuted" and insert "District of Columbia"; and on page 4, line 1, after the word "into," to insert "the registry of said"; and on the same page, line 9, after the word "this," to strike out "section" and insert "act," so as to make the bill read:

Be it enacted, etc., That any person or persons entering into a formal contract with the District of Columbia for the construction of any public building, or the prosecution and completion of any public work, or for alteration and/or repairs, including painting and decorating, upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond in an amount not less than the contract price, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the District of Columbia on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the District of Columbia.

If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the District of Columbia, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the District of Columbia within six months from the completion and final settlement of

said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the District of Columbia that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the District of Columbia in the Supreme Court in the District of Columbia, irrespective of the amount in controversy in such suit, and not elsewhere for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *Provided further*, That where a suit is instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into the registry of said court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the District of Columbia by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *And provided further*, That in all suits instituted under the provisions of this act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the District of Columbia, for at least three successive weeks, the last publication to be at least three months before the time limited therefor.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to require a contractor to whom is awarded any contract for public buildings or other public works or for repairs or improvements thereon for the District of Columbia to give bond for the faithful performance of the contract, for the protection of persons furnishing labor and materials, and for other purposes."

UNITED STATES ROANOKE COLONY COMMISSION

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 26) to establish a commission to be known as the United States Roanoke Colony Commission to report a plan and program for the celebration in 1934 of the three hundred and fiftieth anniversary of the birth of English-speaking civilization in America on Roanoke Island, N. C., which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 3, line 1, to insert, after the word "duties," the words "not to exceed \$500," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a commission to be known as the United States Roanoke Colony Commission (hereinafter referred to as the commission), and to be composed of six commissioners, as follows: Three Senators to be appointed by the President of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

Sec. 2. That it shall be the duty of the commissioners to prepare and report a plan or plans and a program for the commemoration in 1934 of the three hundred and fiftieth anniversary of the birth of English-speaking civilization in America on Roanoke Island, N. C., with an estimate of the probable cost; to give due and proper consideration to such plan or plans as may be submitted to them for such celebration; to confer with such civic associations and organizations, and with such other commissions, Federal, State, and municipal, as may be appointed for purposes similar to the purpose of this resolution, and to take such steps as may be necessary to secure the coordination and correlation of plans prepared by such commissions; and to do all such other things as may be necessary to carry into full effect the intents and purposes of this resolution.

Sec. 3. That the commission, after selecting a chairman and a vice chairman from among their members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the commission: *Provided*, That

said commission can so arrange that no part of the pay or expenses of such secretary and other assistants, if any, shall be paid by the United States.

Sec. 4. The commissioners shall receive no compensation for their services but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties, not to exceed \$500, and the same shall be paid out of the contingent funds of the House and Senate.

Sec. 5. That the said commission be, and the same is hereby, authorized to call upon the Commission of Fine Arts, in Washington, for their assistance and advice in connection with any plan or plans that may be submitted or considered, and the said Commission of Fine Arts is directed to render such assistance and advice as its other duties may permit and as may be within its power.

Sec. 6. That the commission shall, on or before the 15th day of December, 1932, make a report to the Congress in order that enabling legislation may be enacted.

Sec. 7. That the commission hereby created shall expire within one year after the expiration of the celebration.

Sec. 8. That this concurrent resolution shall take effect immediately.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, will whoever reported the concurrent resolution make some explanation of it? How much money is authorized to be appropriated?

Mr. LA FOLLETTE. Only \$500; and, in view of the fact that I objected yesterday because I thought it ought to come up on the calendar and the Senator from North Carolina [Mr. BAILEY] had to be absent to-day, I hope the Senator will not object.

Mr. McKELLAR. It is an historical matter, largely?

Mr. LA FOLLETTE. It is to create a commission to report a plan for the celebration of the anniversary of the founding of the Roanoke colony.

Mr. McKELLAR. I have no objection.

There being no objection, the concurrent resolution was agreed to.

RELIEF OF UNEMPLOYMENT

The bill (S. 4755) to provide for grants and loans to the several States to aid in relieving unemployment, to facilitate the construction of self-liquidating projects, to provide for the construction of certain authorized Federal public-works projects, and for other purposes, was announced as next in order.

Mr. McKELLAR. Is not that similar to the bill which was passed yesterday?

The PRESIDENT pro tempore. The bill will be passed over.

SAC AND FOX INDIANS, OKLAHOMA

The Senate proceeded to consider the bill (S. 4557) to authorize the addition of certain names to the final roll of the Sac and Fox Indians of Oklahoma, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to add to the final roll of the Sac and Fox Indians of Oklahoma, approved October 10, 1923, under the acts of May 25, 1918 (40 Stat. L. 591), and June 30, 1919 (41 Stat. L. 9), the names of Stella Mae Wood, Ethelyn Gladys Wood, and Vernon Pequano, recognized members of the tribe living on the effective date of the roll, but whose names were omitted therefrom through error.

INDEPENDENT OFFICES APPROPRIATION

The bill (H. R. 10022) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1933, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF UNEMPLOYMENT

The Senate proceeded to consider the joint resolution (S. J. Res. 169) to provide information and direction to individuals and agencies concerned with relieving unemployment through finding opportunities for subsistence in rural areas was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas under present conditions temporary relief for some of the unemployed may be provided by aiding them to obtain a subsistence in rural areas; and

Whereas the indiscriminate settlement of such families on land is likely to subject them to difficulties and disappointments, as well as impose burdens and hardships on rural communities through increasing agricultural surpluses, and necessitating more ample provision for schools, roads, health, and other facilities; and

Whereas the likelihood of such disappointments and hardships may be minimized by information and assistance from the Department of Agriculture and other departments and agencies of the Federal Government, cooperating with State and local authorities: Therefore be it

Resolved, etc., That the Secretary of Agriculture is hereby authorized and directed to make available the services of the Department of Agriculture, cooperating with the Department of Labor, the Department of the Interior, the Federal Farm Board, the Federal Farm Loan Board, the President's Committee on the Unemployed, and other departments and agencies of the Government, in providing information to the several States, municipalities, and other political subdivisions of the States, and to individuals as to suitable opportunities and methods of aiding the unemployed to obtain a livelihood in rural communities, and in coordinating activities of State and local agencies working to that end.

For the purpose of better carrying out the objects of this resolution the Secretary of Agriculture, with such assistance as may be supplied by other Federal and State departments and agencies, is authorized and directed to encourage the formation of State organizations representing rural and urban interests through which organizations the Secretary may effectively work in coordinating the activities of urban agencies for unemployment relief with those of rural agencies in position to supply necessary information and direction for settlement of the unemployed.

The Secretary shall encourage urban relief organizations directly or through the aforesaid State organizations to make careful selection of those families whose experience and resources, as supplemented by such relief funds as may be available, fit them for earning a livelihood in the country.

The Secretary shall ascertain directly or through State and local agencies the available opportunities in rural areas for obtaining land and buildings suitable for occupancy by unemployed families, and the terms and conditions on which such land and buildings may be obtained.

The Secretary is also authorized and directed to cooperate with the aforementioned State and local agencies in formulating plans for placing unemployed on the land; and in making available the technical and extension facilities of the Department of Agriculture and of the State agricultural colleges and experiment stations in the selection of food crops and livestock for family use and for determining suitable facilities, methods, and practices.

The Secretary of Agriculture and such other Federal agencies as may cooperate with him are hereby authorized and directed—

(1) To carry out this resolution, as an emergency measure, with a view to placing unemployed persons in rural areas for obtaining a livelihood, but in such manner as will avoid so far as practicable expanding agricultural production.

(2) To discourage the transference of financial burdens in respect of unemployment relief from urban communities to rural communities.

(3) To prevent as far as possible the exploitation of the countryward movement.

The preamble was agreed to.

SIUSLAW NATIONAL FOREST

The Senate proceeded to consider the bill (H. R. 8548) authorizing the adjustment of the boundaries of the Siuslaw National Forest in the State of Oregon, and for other purposes, which was ordered to a third reading, read the third time, and passed.

JUDICIAL DISTRICT OF NORTH DAKOTA

The Senate proceeded to consider the bill (H. R. 9306) to amend section 99 of the Judicial Code (U. S. C., title 28, sec. 180), as amended, which was ordered to a third reading, read the third time, and passed.

ALTERNATE JURORS IN CRIMINAL CASES

The bill (S. 4156) to provide for alternate jurors in certain criminal cases was announced as next in order.

Mr. HEBERT. Mr. President, I ask that Calendar 901 be substituted for Calendar 859.

The PRESIDENT pro tempore. Without objection, Calendar 901, House bill 10587, to provide for alternate jurors in certain criminal cases, will be substituted for the bill just reached on the calendar.

The Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 4156 will be indefinitely postponed.

LIMITATION OF IMPRISONMENT

The Senate proceeded to consider the bill (H. R. 10599) to fix the date when sentence of imprisonment shall begin to run, providing when the allowance to a prisoner of time for good conduct shall begin to run, and further to extend the provisions of the parole laws, which was ordered to a third reading, read the third time, and passed.

ADDITIONAL JUSTICE OF THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

The bill (H. R. 11336) providing for an additional justice of the Court of Appeals of the District of Columbia was announced as next in order.

Mr. KING. Mr. President, will the Senator from Rhode Island object to having the bill laid aside? I have had some matters called to my attention, and I feel that I would not like to have the bill passed this morning.

Mr. HEBERT. Mr. President, does the Senator object to its consideration?

Mr. KING. I shall object, but I dislike to do so. I hope the Senator will not object to having it laid aside.

The PRESIDENT pro tempore. The bill will go over.

Mr. KING subsequently said: Mr. President, a moment ago I objected to the consideration of House bill 11336, and directed the attention of the Senator from Rhode Island [Mr. HEBERT] to the same. I have ascertained that the objections brought to my attention are without merit, and I withdraw the objection.

The PRESIDENT pro tempore. Without objection, the Senate will recur to that bill on the calendar.

Mr. JONES. Mr. President, I would like to have an explanation of the bill providing for another justice for the District of Columbia.

Mr. HEBERT. Mr. President, this bill provides for an additional judge for the Court of Appeals of the District of Columbia, temporarily to perform duties as a member of the Court of Appeals, in place of Mr. Justice Robb, who is incapacitated. Mr. Justice Robb has served on the court here since 1906, but will not be eligible for retirement until 1937. There is no need of the services of another justice on the Court of Appeals at this time. The bill provides for a temporary judgeship. It may not be filled upon the death of Mr. Justice Robb.

The bill has the unanimous consent of the bar of the District of Columbia, and has also the support of the Attorney General.

Mr. BORAH. Mr. President, may I ask, what are the general terms of the law in this District with reference to when a judge may retire, after what length of service?

Mr. HEBERT. After 10 years' service, and after reaching the age of 70.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

NONIMMIGRANT STATUS OF CERTAIN ALIENS

The Senate proceeded to consider the bill (S. 3698) to amend the sixth exception in section 3 of the immigration act of 1924 with reference to a nonimmigrant status of certain aliens.

Mr. REED. Mr. President, this is intended to tighten up the immigration law in three ways, first, to make it definite that an alien who comes in under a treaty comes to conduct an international trade with his home country and this country, and does not allow a Chinaman to come in to run a grocery store in San Francisco, for instance. It is important that that provision be tightened up.

Next, it puts the wife and children of treaty immigrants under the same restrictions as other immigrants. It cuts out picture marriages and proxy marriages and things of that sort. It tightens up the law in that sense.

Lastly, it applies the immigration act to treaties negotiated since 1924 in the same way that it applies to prior

treaties. It is recommended by the State Department and by the Department of Labor. I have an amendment I want to suggest.

The PRESIDENT pro tempore. First let the substitution of Calendar 903 be attended to. Without objection, House bill 8766 will be substituted for the bill just reached on the calendar.

Mr. REED. Mr. President, I move to amend, in line 7, page 1, by striking out the words "from which he comes" and inserting the words "of which he is a national."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed, as follows:

Be it enacted, etc., That section 3 (6) of the immigration act of 1924 be amended so as to read as follows:

"(6) An alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under 21 years of age, if accompanying or following to join him: *Provided*, That no greater rights of entry are hereby conferred upon aliens entering the United States under a treaty of commerce and navigation to be concluded in the future than are conferred under treaties which have been concluded since July 1, 1924."

The PRESIDENT pro tempore. Without objection, Senate bill 3698 will be indefinitely postponed.

Mr. REED subsequently said: Mr. President, this morning, when we were working on the calendar, an error was made that I think ought to be corrected before the end of the day.

Order of Business No. 862 was reached, Senate bill 3698. It was a bill presented by the Senator from New York [Mr. COPELAND] and reported unanimously by the Immigration Committee. It consisted of a single page, changing the section relating to treaty immigrants.

In its place we substituted Order of Business 903, which was a House bill reading word for word the same; and none of us noticed that on the second page of the House bill there was printed a proviso which attempts to do away with or limit the treaty-making power of the President and the Senate in future treaties of commerce and amity.

I know that it would not be fair to the Senate to let its action stand without asking to reconsider the action by which that bill was passed and to disagree to that House proviso.

Mr. COPELAND. Mr. President, I hope there will be no hesitation on the part of the Senate in acceding to the request of the Senator from Pennsylvania. It was through an inadvertence that the bill was passed. The change made was not in my bill, but is one which was recommended by the Immigration Committee.

The PRESIDING OFFICER (Mr. HEBERT in the chair). The question is on the motion of the Senator from Pennsylvania to reconsider the vote by which House bill 8766 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. REED. Now, I move to strike out the first five lines of page 2, Mr. President.

The PRESIDING OFFICER. The amendment of the Senator from Pennsylvania will be stated.

The CHIEF CLERK. The Senator from Pennsylvania proposes, on page 1, line 10, to strike out from the colon on down to the period following the numerals "1924," on line 5.

The motion was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TRUST DEPARTMENTS OF NATIONAL BANKS

The bill (S. 4851) to amend section 5202, United States Revised Statutes, as amended (U. S. C., title 12, ch. 2, sec. 82), and for other purposes, was announced as next in order.

Mr. REED. What does that bill do, Mr. President?

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 5202, United States Revised Statutes, as amended (U. S. C., title 12, ch. 2, sec. 82), be amended by adding thereto a new paragraph to read as follows:

"Ninth. Liabilities incurred directly or indirectly by borrowing individually or in association with other banks from 'The National Credit Corporation,' a Delaware corporation, or 'National Credit Corporation,' a New York banking corporation, or from an association of banks which in turn borrow from such designated corporations."

Sec. 2. That section 5240, United States Revised Statutes, as amended (U. S. C., title 12, ch. 3, secs. 481, 482, 483, 484, 485), be amended by adding thereto a new paragraph reading:

"In addition to the expense of examination to be assessed by the Comptroller of the Currency as heretofore provided, all national banks exercising fiduciary powers under the provisions of section 11 (k) of the Federal reserve act, as amended (U. S. C., title 12, ch. 3, sec. 248 (k)), and all banks or trust companies exercising fiduciary powers in the District of Columbia shall be assessed by the Comptroller of the Currency for the examinations of such fiduciary powers a fee in proportion to the amount of individual trust assets under administration and the total bonds and/or notes outstanding under corporate bond and/or note issues for which the banks or trust companies are acting as trustees upon the dates of examination of the various banks or trust companies."

Mr. REED. I have no objection, Mr. President.

Mr. LA FOLLETTE. Mr. President, I would like to have an explanation of the bill.

Mr. WALCOTT. Mr. President, this bill has to do with the powers of any national banking association borrowing that has exceeded its unimpaired capitalization. I wish to read a sentence from a statement made by the Secretary of the Treasury, Mr. Mills, which will clear this matter up:

The activities of national banks in the administration of trust departments has greatly increased. On June 30, 1931, trust departments had been established by 1,856 national banks, and 102,987 trusts were being administered with individual trust assets aggregating over \$5,000,000,000. Seven hundred and eighty-two national banks were also acting as trustees for bond and note issues aggregating over \$10,000,000,000. While the present law, section 5240, United States Revised Statutes, as amended, gives ample provision for the examination of these trust activities, no provision is made for the expense of such examinations. The present law provides in part:

"* * * The expense of the examinations herein provided for shall be assessed by the Comptroller of the Currency upon banks examined in proportion to assets or resources held by the banks upon the dates of examination of the various banks."

The trust assets are not assets of the bank, and accordingly the present law does not cover the existing situation. In this connection it should be remembered that the above-quoted section of the law was enacted prior to that section of the law under which national banks engage in trust business. As a result of this situation the assessment levied against all banks for the examination of their commercial departments is used for the expense of the examination of fiduciary activities of about 29 per cent of banks having trust departments. This levy is now proving inadequate, and the comptroller is now faced with the necessity of increasing the rate of assessment against all national banks to take care of the cost of examination of banks having trust departments.

This bill is to correct a defect in the law, through this provision:

Liabilities incurred directly or indirectly by borrowing individually or in association with other banks from The National Credit Corporation, a Delaware corporation, or National Credit Corporation, a New York banking corporation, or from an association of banks which, in turn, borrow from such designated corporations.

That means that it is permissive that it may borrow from The National Credit Corporation or the National Credit Corporation of New York an amount up to the amount of its capital stock, unimpaired. Does that clear the matter up?

Mr. BLAINE. Mr. President, it seems that the purpose of the bill as set forth in Mr. Mills's letter is a purpose other than what the Senator stated. He says:

As a result of this situation the assessment levied against all banks for the examination of their commercial departments is used for the expense of the examination of fiduciary activities of about 29 per cent of banks having trust departments. This levy is now proving inadequate, and the comptroller is now faced with the necessity of increasing the rate of assessment against all national banks to take care of the cost of examination of banks having trust departments.

Mr. WALCOTT. That is correct. That is section 2 of the bill. Section 1 was to correct a technical error; section 2, I was just getting to. It gives the comptroller the power to

levy an additional assessment on account of the increased growth in trust business.

Mr. BLAINE. The National Credit Corporation, to which the Senator referred, is a voluntary corporation, organized last fall or summer?

Mr. WALCOTT. Yes; to lend to member banks.

Mr. BLAINE. I am not familiar with the bill, inasmuch as it was recommended at some time when I was absent. I rather think it ought to go over.

Mr. WALCOTT. It is to put them on the same basis with relation to the National Credit Corporation as they are now by law with the Reconstruction Finance Corporation. There was a technical error in the banking law which prevented them from borrowing from the National Credit Corporation up to their unimpaired capital stock, so that their total borrowings would not exceed their unimpaired capital stock, which is the intention of the national banking law.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALCOTT. Certainly.

Mr. KING. Is this bill for the purpose of enabling the so-called National Credit Corporation to obtain loans for the Reconstruction Finance Corporation?

Mr. WALCOTT. No; it is not. It has nothing to do with that. It is entirely for the purpose of securing to any banking association that is a member of the Federal reserve borrowing up to its unemployed capitalization.

PHILIPPINE INDEPENDENCE

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 7233) to enable the people of the Philippine Islands to adopt a constitution and form of government for the Philippine Islands, to provide for the independence of the same, and for other purposes.

Mr. JONES. Mr. President, I desire to call up the conference report which was pending yesterday.

Mr. BINGHAM. Mr. President—

Mr. KING. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. JONES. I yield.

CHARLESTOWN SAND & STONE CO.

Mr. KING. Mr. President, I desire to call attention to a bill which passed the House and the Senate on several occasions, but was lost in the shuffle, if I may use that term. It is the bill to relieve the Charlestown Sand & Stone Co., of Elkton, Md., Calendar 889.

It was reached the other day and some objection was made without understanding the status of it. I have no interest in the matter, except that I have investigated it and believe that it is a just measure. It was passed several times. I ask unanimous consent that it may be considered now.

Mr. BINGHAM. Mr. President, are we not going to have a call of the calendar in the near future?

The PRESIDENT pro tempore. Probably the calendar will be called again in the near future.

Mr. McNARY. Mr. President, it is my desire to ask the Senate to consider the calendar again on next Monday.

The PRESIDENT pro tempore. Let us get something before the Senate. The Senator from Washington [Mr. Jones] asks unanimous consent that the unfinished business may be temporarily laid aside in order that the Senate may proceed to the consideration of the conference report on the legislative appropriation bill, known as the economy bill. Is there objection?

Mr. BINGHAM. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Mr. President, I understand it is not a question of objection, but that the conference report is a privileged matter. I do not want to displace the Senator's bill, however.

The PRESIDENT pro tempore. That is true. The conference report is a privileged matter, but the Chair understood the Senator to ask unanimous consent and was merely presenting his request to the Senate.

Mr. ROBINSON of Arkansas. I do not understand there is any objection to the order asked.

The PRESIDENT pro tempore. Without objection, that order will be entered.

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES. Mr. President, is this to be a reference to the same matter?

Mr. KING. Yes. I ask unanimous consent that the bill which had been passed several times and which had been inadvertently laid aside a few days ago, being Calendar 889, may be considered at this time and passed.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 564) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Charlestown Sand & Stone Co., of Elkton, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$12,385.99 in full settlement of the additional freight charges and the increased cost of labor and materials incurred by said company in the fulfillment of the requirements of the United States engineer office under the contract of August 23, 1917, for furnishing and delivering cement, sand, and gravel (or broken stone) to Fort Saulsbury, Del., for the construction of gun and mortar batteries.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

Mr. BINGHAM. Mr. President, the District of Columbia conference report is on the table. I do not think it will lead to any debate. If it should I will withdraw the request I am about to make. I understand the conference report which the Senator from Washington [Mr. JONES] brings before the Senate will lead to considerable debate. I ask him if he will consent to have it temporarily laid aside in order that the conference report on the District of Columbia appropriation bill may be taken up and disposed of so it may be sent over to the House. If it leads to debate I shall withdraw the request.

Mr. JONES. Mr. President, while I hoped the conference report now pending on the economy bill will not take very much more time, yet if the conference report which the Senator from Connecticut wishes to take up for consideration does not lead to any debate, I am willing to have that disposed of at this time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11361) making appropriations for the government of the District of Columbia, and for other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1933, and for other purposes.

(For conference report see Senate proceedings of yesterday, CONGRESSIONAL RECORD, p. 13804.)

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Connally	Hawes	Norbeck
Austin	Coolidge	Hayden	Norris
Bankhead	Copeland	Hebert	Nye
Barbour	Costigan	Howell	Oddie
Bingham	Couzens	Johnson	Patterson
Black	Dale	Jones	Pittman
Blaine	Davis	Kean	Reed
Borah	Fess	Kendrick	Robinson, Ark.
Bratton	Fletcher	King	Robinson, Ind.
Brookhart	Frazier	La Follette	Schall
Broussard	George	Logan	Sheppard
Bulow	Goldsborough	McGill	Shipstead
Byrnes	Gore	McKellar	Shortridge
Capper	Hale	McNary	Smoot
Caraway	Hastings	Metcalf	Steiwer
Carey	Hatfield	Moses	Stephens

Thomas, Idaho	Trammell	Walcott	Watson
Thomas, Okla.	Vandenberg	Walsh, Mass.	White
Townsend	Wagner	Walsh, Mont.	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

Mr. BINGHAM. Mr. President, I ask that the conference report on the District of Columbia appropriation bill be proceeded with.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I ask the Senator from Connecticut whether there was complete agreement between the House and the Senate conferees?

Mr. BINGHAM. There was complete agreement and a unanimous report.

Mr. KING. On every item?

Mr. BINGHAM. On all items.

Mr. KING. What were the principal items under consideration or in dispute?

Mr. BINGHAM. One of the items concerning which there was the greatest disagreement was the item concerning the appropriation for what is ordinarily known in most municipalities as outdoor relief, for which the Budget recommended \$600,000, the House recommended nothing, the Senate agreed with the Budget recommendation, and the conferees agreed to \$350,000.

The other item was in connection with the Federal contribution to the District government, as to which the House recommended \$3,000,000 below what had been the contribution for the past two years, the Senate recommended 10 per cent below the contribution for the past two years, and the conferees arrived at a figure between the two of \$7,775,000.

Mr. WALSH of Massachusetts. Mr. President, who is to distribute the relief fund to which the Senator just referred?

Mr. BINGHAM. The relief money goes entirely into the hands of the District authorities.

Mr. WALSH of Massachusetts. Who are they?

Mr. BINGHAM. The Board of Public Welfare, whose agent is Mr. Wilson, in whom we all have the highest confidence.

Mr. WALSH of Massachusetts. Is it the District Commissioners or the Board of Public Welfare?

Mr. BINGHAM. It has to be approved by the District Commissioners on the recommendation of the Board of Public Welfare, and it may be used for employment as recommended by the Senate.

Mr. COPELAND. Mr. President, the conferees of the two Houses were in session all one day and went over the bill very carefully. While there were matters which elicited much discussion, there was finally a full agreement. For my part, and I am sure I speak for the Senator from Wyoming [Mr. KENDRICK], it is my hope that the conference report may be accepted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

SUPPLEMENTAL ESTIMATE—INTERNATIONAL ECONOMIC CONFERENCE (S. DOC. NO. 126)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1932, to remain available until June 30, 1933, amounting to \$40,000, for an international economic conference to be held in London during the year 1932, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

TARIFF COMMISSION REPORT

The VICE PRESIDENT laid before the Senate a letter from the chairman of the United States Tariff Commission, transmitting copy of a report sent to the President of an investigation for the purposes of section 336 of the tariff act of 1930, with respect to alumin, silicon aluminum, aluminum

silicon, ferrosilicon aluminum, and ferroaluminum silicon, which, with the accompanying report, was referred to the Committee on Finance.

APPEAL FOR PAYMENT OF THE SOLDIERS' BONUS

The VICE PRESIDENT laid before the Senate a letter from Louis W. Wittenborn, of Hewlett, Long Island, N. Y., which was ordered to lie on the table and to be printed in the RECORD, as follows:

JUNE 11, 1932.

HON. CHARLES CURTIS,
Vice President United States of America,
Washington, D. C.

DEAR SIR: I ask that this request be written into the CONGRESSIONAL RECORD.

A few sayings to remind the House in our final appeal for final payment of the so-called soldiers' bonus:

1. Eggs and oaths are easily broken.
2. The Members of Congress do not require so much to be informed as reminded.
3. Despise not a small wound, a poor relation, or a humble enemy.
4. How small is our knowledge in comparison to our ignorance.
5. The guilty shun the light as the devil shuns the cross.
6. The weak in courage are strong in cunning.
7. Lord Stowell said, "A dinner lubricates business."

What us vets want is dinner, no charity; the public has been misled enough; the Government isn't giving us something for nothing, we want a just debt liquidated.

Little dogs start the hare but great ones catch it.
We caught the hare and were promised pay for it; what did we get? Promises that don't feed us.

If we hadn't caught the hare what would have happened?
I've always been taught that the greatest element of criticism is taste; the vets have plenty of taste, but no food.

You can read this to your colleagues, it will do them good, it ought to wake them up if they have any sense of gray matter about them.

Thanking you in advance, I beg to remain,
Yours very truly,

LOUIS W. WITTENBORN,
1482 Broadway, Hewlett, Long Island, N. Y.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter from Evelyn Curley-Kane, San Francisco, Calif., relative to her claim against the Federal Government or the government of the District of Columbia, which was referred to the Committee on Finance.

He also laid before the Senate a letter from Hon. WILLIAM P. HOLADAY, a Member of the House of Representatives, transmitting copy of resolutions adopted by the council of the city of Kankakee, Ill., favoring the passage of legislation authorizing a bond issue of not to exceed \$5,000,000,000 to be used in financing municipal public improvement projects so as to aid employment, which, with the accompanying paper, was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the council of the city of Calumet City, Ill., favoring the passage of legislation authorizing an adequate bond issue to be used in financing municipal public improvement projects so as to aid employment, which was ordered to lie on the table.

He also laid before the Senate a letter from Andrew N. Segal, secretary-treasurer, American Enlisted Federation, Baltimore, Md., stating that "The National Council, American Enlisted Federation, has adopted resolutions petitioning Congress to eliminate emoluments for disabilities incurred by persons while in military service when they are receiving salaries of more than \$2,000 a year as civil Federal employees," etc., which was ordered to lie on the table.

He also laid before the Senate telegrams and resolutions in the nature of memorials of sundry citizens and organizations of the States of New York and Massachusetts remonstrating against the passage of the so-called Dies bill, being the bill (H. R. 12044) to provide for the exclusion and expulsion of alien communists, which were ordered to lie on the table.

He also laid before the Senate resolutions adopted by a mass meeting of workers at Lynn, and also by members of the International Labor Defense, of Bridgewater, in the State of Massachusetts, opposing the passage of the so-called Dies bill, being the bill (H. R. 12044) to provide for the exclusion and expulsion of alien communists, and favor-

ing the taking of necessary measures "to stop the deportation of foreign-born workers, and release immediately and unconditionally Edith Berkman, Frank Borich, Vincent Kemenovich, and other militant workers held for deportation," etc., which were ordered to lie on the table.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 2437) for the relief of the estate of Annie Lee Edgecumbe, deceased, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLACK, Mr. CLARK of North Carolina, and Mr. GUYER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 5649. An act to extend the life of "An act to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes"; and

H. R. 10683. An act to provide for the conveyance by the United States of a certain tract of land to the borough of Stonington, in the county of New London, in the State of Connecticut.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8031) to provide for expenses of the Crow and Fort Peck Indian Tribal Councils and authorized delegates of the tribes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

- S. 111. An act for the relief of Rosa E. Plummer;
- S. 157. An act for the relief of Sarah Ann Coe;
- S. 217. An act authorizing adjustment of the claim of J. G. Shelton;
- S. 224. An act authorizing adjustment of the claim of Lewis Semler;
- S. 229. An act for the relief of Don C. Fees;
- S. 248. An act authorizing adjustment of the claim of the David Gordon Building & Construction Co.;
- S. 250. An act authorizing adjustment of the claim of the Sun Shipbuilding & Dry Dock Co.;
- S. 258. An act authorizing adjustment of the claim of H. E. Hurley;
- S. 478. An act for the relief of Cicero A. Hilliard;
- S. 860. An act for the relief of William Girard Joseph Bennett;
- S. 943. An act for the relief of John Herink;
- S. 1028. An act for the relief of W. Stanley Gorsuch;
- S. 1216. An act for the relief of the owner of the barge *Mary M*;
- S. 1280. An act for the relief of National Ben Franklin Fire Insurance Co.;
- S. 1436. An act for the relief of the Copper Ridge Mining Co.;
- S. 2159. An act for the relief of the Columbia Casualty Co.;
- S. 2364. An act to authorize the Secretary of the Interior to extend or renew the contracts of employment of the attorneys employed to represent the Chippewa Indians of Minnesota in litigation arising in the Court of Claims under the act of May 14, 1926 (44 Stat. 555);
- S. 2909. An act for the relief of Ross E. Adams;
- S. 3119. An act for the relief of J. D. Stewart;
- S. 4425. An act relating to the immigration and naturalization of certain natives of the Virgin Islands; and
- S. J. Res. 182. Joint resolution amending the joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to William Jennings Bryan.

LEGISLATIVE APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate (Nos. 46-168, both inclusive) to the bill (H. R. 11267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter which I have received from Edwina Austin Avery, chairman of the Government Workers' Council, with reference to a provision of the conference report now before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

WASHINGTON, D. C., June 23, 1932.

Senator DUNCAN U. FLETCHER,

Washington, D. C.

DEAR SENATOR: It is proposed that Congress should at this time dismiss from the Government service married women whose husbands are also in Government employment. It is really difficult to believe that any Member of Congress of the United States, after proper consideration, would actually vote to dismiss from the service of this Government any person on account of sex or marriage. Obviously there can be no economy in such a proposal nor is it good politics, to say nothing about statesmanship.

Other legislative bodies have recently considered similar proposals. In 1931 the legislatures of five States, namely, California, Delaware, Nebraska, New Hampshire, and North Carolina, gave consideration to bills which would forbid the employment of married women in public service. After due consideration all these proposals were defeated. Furthermore, in 1931 the Maryland State Board of Education ruled that a woman teacher could not be dismissed on account of marriage on the ground that such dismissal would amount to discrimination on account of sex. Moreover, the Supreme Court of Oregon, in sustaining the rights of married women to public office, held that "marriage does not involve a single element of wrong, but on the contrary is not only protected by both the written and unwritten law but it is also fostered by a sound public policy." (153 Pac. 482.)

Advocates for dismissal of women on account of marriage contend that social and economic justice would be promoted thereby. Such arbitrary basis resulting in dismissal without regard to individual effort, training, and efficiency, can never promote social and economic justice. The dismissal of public employees on such ground without regard to efficiency is an injustice to the taxpayer and an affront to those who strive for honest achievement. Furthermore, the evils of such a measure must be apparent to a social-minded person. Imagine this Government asking its employees the following questions: "Are you married?" "Is your husband or wife in Government service?" "Do you live with your husband or wife?" In the event the employee does not live with husband or wife or that one or the other is employed in private business, he or she is not to be molested, but in the event that husband and wife are living together, they are to be penalized. In a period when the marriage rate is declining and the divorce rate increasing it is proposed that this Government should penalize successful marriage and encourage divorces. The institution of marriage does not warrant such treatment at the hands of Congress.

It is impossible to figure out the social and economic justice that would result by dismissing on account of marriage and without regard to individual qualification, effort, and efficiency those who entered the service of the Federal Government through the civil service. We are also unable to figure out why successful marriage should be penalized and why those who marry and live separate lives should be favored by the Congress of the United States.

It is unthinkable that a Senator of the United States, with a knowledge of the nineteenth amendment to the Federal Constitution and the political rights secured thereby, would vote against women. The right of women to hold private office may be subject to discrimination, but it is unthinkable, under our Constitution, that such discrimination would extend to office in the Government of the United States.

Your earnest support in opposing the enactment of this discriminatory legislation is requested.

Respectfully,

EDWINA AUSTIN AVERY,
Chairman Government Workers' Council.

Mr. DAVIS. Mr. President, I desire to address the Senate very briefly with reference to the pending conference report.

It seems to me it would be far better if we were to remain here a few days longer for the purpose of correcting the injustices in the bill than to permit its passage with the obvious inequalities now in it. For my part, I am opposed, first, to encouraging the separation of families. Secondly, I am opposed to doing injustice to the policemen and firemen.

Third, I am opposed to taking away from the employees of the Government Printing Office and the night employees

of the Postal Service that which they have enjoyed for practically half a century. This would not only inconvenience them and be a hardship, but it would encourage private business to do likewise. To my way of thinking the United States should be the model employer of labor so that our other governments, as well as our civic and industrial organizations, and indeed those of the world, might pattern after us.

Mr. DALE. Mr. President, I had no intention of saying anything about the conference report until my attention was called specifically to one element of it which relates to the civil service. I feel compelled to say something about that feature of the measure and I shall make my remarks just as brief as I possibly can under the circumstances.

I refer to that part which is numbered section 204 relating to compulsory retirement for age. At the time the retirement system went into operation there were certain fundamental principles laid down to be followed. One of those was retirement for age. That plan, as it relates to age, has been changed somewhat and it stands to-day providing for retirement at 68, 63, and 60 years, as the case may be.

However, there was another fundamental principle laid down in the very beginning of retirement legislation, a principle which has never been changed in any particular, and that is that the employee must serve 15 years to be eligible for retirement and that there should be no restriction in that regard. Those who are familiar with retirement legislation will recall that, having that particularly in mind, it was so framed that employees could not be discharged except for cause, and for the reason that if it were not so, a great injustice, the greatest kind of injustice, might be done in an instance such as this: An employee might serve 14 years, almost 15 years, and unless there were some restraint, the chief of his division might discharge him, and he would lose all his retirement rights. All that was discussed in detail, and the law was so framed that the employee should not be disturbed except for cause during his service of 15 years. There have been a great many bills introduced to change that provision, but Congress has always opposed them. The Committee on Civil Service has always taken the position that it was not only the right of the other party to the contract that that provision should not be changed, but they have also taken the position that in justice to the associates of the party to the contract represented, the employee, that provision should not be changed in any particular.

I refer to this as a contract, for the retirement law is a contract in the strictest sense of the term. There are many defined considerations in this contract, such as that the employee shall have deducted from his salary 3½ per cent, and various other provisions that I have not time to go over. There were many implied conditions and considerations in the contract. The retirement system was fundamentally thought out not wholly for the employees but largely for the Government, in consideration that those who had reached an age beyond which their services were of no benefit to the Government could be retired, as otherwise would not have been done.

The employees have met all the conditions of this contract up to date or else they have been removed from office. This bill deals with employees who have met the contract in every particular, and the Government has contracted, it has pledged itself, it has covenanted with these employees to do certain things, among which, of course, are to pay annuities, and various other things that I am not going to take time to enumerate.

Of course, it is assumed that the Government will place nothing in the way of a check upon the employees in fulfilling their part of the contract. Nothing could be more unjust, unfair, inequitable than for the Government to do something that would prevent an employee when he has come almost to the end of the 15-year term from concluding his term. It is almost unthinkable that the Government could do anything like that. For instance, just imagine a contract between A and B and B saying to A, "You can not conclude your contract; I place this obstacle in your way; you can not conclude it." A says, "I am going to conclude

it"; but he finds it impossible to conclude it, because of the obstacle B has placed in his way. There is not a court anywhere in the land that would not give A compensatory damages of some kind if he were forced to give up his contract because of some barrier that the other party to the contract has placed in the way of his fulfillment of it.

We have entered into this contract; we have sealed it with the great seal of this Government. It is a bond between the Government and the employee. I have read somewhere in history or it may be in fiction—but it is just as true wherever it appears—that it used to be said that the King of England did not have to give a bond; it was not necessary for him to give a bond, because any obligation that the great British Government entered into was bonded by that fact—the King was the bond. Are we going to face this bond with any less consideration? This bond has been sealed by the seal of the Government of the United States for the honor of which any loyal citizen would give his life; it has been sealed by the seal of a Government which no danger on earth can bring to pause.

What have we done under those circumstances? I say "we," because the conference committee are not the ones who are responsible for this. We did it. You and I and all of us are responsible for it; I, perhaps, more than anybody else, because of the position I am fortunate enough to hold as chairman of the Civil Service Committee. I ought to have realized what it meant. The provision in the conference report reads:

SEC. 204. On and after July 1, 1932, no person rendering civilian service in any branch or service of the United States Government or the municipal government of the District of Columbia who shall have reached the retirement age prescribed for automatic separation from the service, applicable to such person, shall be continued in such service, notwithstanding any provision of law or regulation to the contrary.

That is, we say that having reached the retirement age they go out, notwithstanding any provision of law to the contrary. Is there no exception to that? Oh, yes; there is an exception. Some one answering me may say that there is an exception to that. It is further provided:

Provided, That the President may, by Executive order, exempt from the provisions of this section any person when, in his judgment, the public interest so requires.

Think of it, Senators! Here is a contract; we step in here and violate it. Here is a bond; we step in here and break it and say there will be no exception unless it is to our interest to make the exception. The interest of the employees is not considered, but if it is for the interest of the Government, there is an exception; otherwise there is no exception.

Now, what does this do? There may be, and there are, a great many employees who have almost concluded 15 years of service and are about to reach the compulsory retirement age. Under this provision they go out and they stay out; they lose their retirement pay; they lose everything save the little paltry sum that is refunded to an employee in case he resigns or is removed by some fault of his own. Other than that they lose everything.

If I am asked if I mean literally that, I answer, "Yes." To those to whom we do not charge any evil intent, any laches whatever, those who have fulfilled their part of the contract, who have met the conditions of the bond, we say, "You are dismissed and you get no compensatory damage or anything else." Aye, more than that, we put a penalty on them, for it is provided further—

that no such person heretofore or hereafter separated from the service of the United States or the District of Columbia under any provision of law or regulation providing for such retirement on account of age shall be eligible again to appointment to any appointive office, position, or employment under the United States or the District of Columbia.

We say to the man who has almost finished his 15 years' service faithfully but who happens to reach the retirement age, "You can not finish it; you can not carry out your part of the contract; you must leave the service; and, more, than that, you can never come back into the service in any capacity whatsoever." It is the most outrageous thing imagi-

nable when one stops to analyze it; it is beyond imagination until it is studied.

It may be asked how many are affected in this way? That makes no difference whatsoever. If it were but one solitary lone man by himself, the principle is the same. There are, however, a great many who will be affected by it; there are more than 800 who have almost finished the 15 years, and there are 1,500 altogether who would be affected by it.

Senators, there are many things in the Constitution of the United States in the nature of inhibitions against the great sovereign States placed there by the people, and most of the courses of action which they are prohibited to take have this qualification; without the consent of Congress you may not do so-and-so; but there is one inhibition against the States of this great Nation which is without any qualification, without any exception; it stands last and by itself in that respect:

No State shall pass any law impairing the obligation of contracts.

Yet that is just what we have done if this becomes law. We have not only impaired the obligation of a contract; we have repudiated it, broken it, set it aside.

Of course, we had no intent to do that; and I want to say again that you and I, and I in particular, are more to blame than anyone else. But we have been playing a kind of Shylock to the employees' Antonio. It is time we changed; and the only way we can remedy it is to send this bill back to conference and let us play Portia for a little while and find something in this bond by which we can save Antonio from losing his pound of flesh.

Mr. BROOKHART. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Fess in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Coolidge	Howell	Patterson
Austin	Copeland	Johnson	Reed
Bankhead	Costigan	Jones	Robinson, Ark.
Barbour	Couzens	Kean	Robinson, Ind.
Bingham	Dale	Kendrick	Schall
Black	Davis	King	Sheppard
Blaine	Fess	La Follette	Shortridge
Borah	Fletcher	Logan	Smoot
Bratton	Frazier	McGill	Stephens
Brookhart	George	McKellar	Thomas, Idaho
Broussard	Goldsborough	McNary	Thomas, Okla.
Bulow	Hale	Metcalf	Townsend
Byrnes	Hastings	Moses	Vandenberg
Capper	Hatfield	Norbeck	Wagner
Caraway	Hawes	Norris	Walcott
Carey	Hayden	Nye	Watson
Connally	Hebert	Oddie	White

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

PRESIDENT OF RECONSTRUCTION FINANCE CORPORATION

Mr. ROBINSON of Arkansas. Mr. President, it will be recalled that when the Reconstruction Finance Corporation act had passed, and the corporation was being organized, the President stated:

I have requested General Dawes to accept the position of president of the new Reconstruction Finance Corporation. It is gratifying that he has accepted. I announce General Dawes's name at this time because of the required change in plans as to the chairmanship of the delegation to the arms conference. Otherwise, General Dawes would be leaving for Europe to-morrow.

Mr. President, it is pointed out that the act creating the Reconstruction Finance Corporation authorized the President to select a board of directors consisting of certain ex officio members, the total number of the directors being seven. General Dawes served for a period, and then resigned. His membership on the board of directors and his labors as president of the corporation were generally regarded as of great value in the execution of the act.

According to the New York Times and other publicity agencies, it is now proposed to select a president who is not a member of the board of directors.

The name of Mr. Cowles, who is said to be the publisher of the Des Moines Register and Tribune, has been sent to the Senate for confirmation to fill the vacancy caused by

the resignation of General Dawes. That completes the authorized list of directors, assuming that the nominee shall be confirmed.

According to the press report just referred to, the following statement is made:

At the White House it was announced that President Hoover would select a president of the corporation at a later date, and that the president need not be a member of the board. The understanding prevailed at the corporation's offices, however, that its next president would be selected by the present board of directors from among their number.

I understand it is claimed that a provision in the act, which will be quoted in a moment, authorizes the unusual procedure said to be in contemplation. The language is:

The corporation shall have power—

Omitting the irrelevant sentences—

to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the corporation.

The President of the United States has no authority, under the law, to select the president of this corporation. He had no authority to name General Dawes as president of the corporation. His authority was limited to designating the appointee as a member of the board of directors.

He has no authority, first, to select additional members of the board of directors, because the list has been filled; and, second, he has no authority in any event to select any agent, officer, attorney, or employee of the corporation.

It would be unusual and exceptional if the statute provided that the president of the corporation should not be a member of the board of directors. It does not do that. True, the law does not specifically require that the president of the corporation shall be a member of the board of directors, but it certainly does not give the President of the United States the power to name the president of the corporation. Any attempt to do so would be usurpation of authority which the Congress, and particularly the Senate, would resent.

The appointment of Mr. Cowles has not yet been confirmed by this body, and it probably will not be confirmed as long as the President insists that the chief officer of the corporation may be appointed by him from persons who are not members of the board of directors.

This is pointed out now in the hope that no such usurpation will be attempted.

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Wisconsin?

Mr. ROBINSON of Arkansas. I yield.

Mr. LA FOLLETTE. I was not able to hear the language of the act the Senator was reading. Upon what section of the original act did the President base the contention that he had authority to designate the president of the corporation?

Mr. ROBINSON of Arkansas. My information is that it is based on the language of the act quoted, which will be repeated for the convenience of Senators who did not hear me. The corporation is authorized "to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the corporation." That provision, of course, gives the President no power whatever. As already stated, he assumed to exercise the power to name the president of the corporation when he appointed General Dawes; but now that the membership of the board of directors has been filled, if the appointment of Mr. Cowles shall be confirmed I do not think that even the board of directors, under the language quoted, would have any right to go outside of its own membership and choose a president under the authority to employ agents, officers, or attorneys, and fix their compensation.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. In just a moment. Certainly the President could not assume to exercise any such power. The manner in which the statement is made seems to imply that the President of the United States thinks

that he has unlimited power, whereas his authority is limited to that defined in the act.

I now yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. In certain western cities the cities elect aldermen or councilmen, and they in turn elect city managers. Could not the Senator see wherein the board of directors, desiring to have some one to manage the corporation for them, on the same theory might elect a manager of the corporation under this law just read?

Mr. ROBINSON of Arkansas. I am saying that even if it should be held that the board of directors had the power to select a manager, it would not imply the power to select a president; and if anyone disagrees with that proposition and holds that the board of directors have the power, under the language referred to, to name a president who is not a member of that board, that would not, by any legal construction I can conceive, authorize the President of the United States, who is not a member of the board, to name a president of the corporation.

I repeat it is a plain attempt to usurp authority, assuming that the statement quoted actually issued from the White House.

LEGISLATIVE APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate (Nos. 46-168, both inclusive) to the bill (H. R. 11267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes.

Mr. BINGHAM. Mr. President, I desire to call the attention of the Senate to the fact that one of the most important amendments to the House economy plan, as it came from the hands of the Senate Economy Committee, has apparently, so far as I can discover from a study of the report, been left out. I refer to the provision regarding the impounding of appropriations.

The way the matter first came to us from the House it read:

Appropriations, or portions of appropriations, unexpended by reason—

Mr. LA FOLLETTE. From what page is the Senator reading?

Mr. BINGHAM. It was originally section 112, on page 50 of the bill as reported from the Committee on Appropriations of the Senate.

Mr. JONES. Mr. President, will the Senator yield to me?

Mr. BINGHAM. I yield.

Mr. JONES. May I call the Senator's attention to the fact that that is contained in amendment numbered 46, upon which there is a disagreement? That matter will be taken up, however, when we get to the point where we make a motion to accept the House amendment. So that it is in disagreement now.

Mr. BINGHAM. In other words, the question of whether the appropriations should be used for any purpose other than the payment of salaries has not yet been decided upon?

Mr. JONES. Technically, no; but it will come up in connection with the motion we will make to recede on amendment numbered 46 and agree to the amendment made by the House, which is contained in amendment numbered 46, and in the disagreement in regard to that amendment.

First, the proposition now pending before the Senate is the question of agreeing to the conference report. If we agree to it, that brings about a disagreement on amendment numbered 46. Then comes the proposal of the House to recede with an amendment, and so forth. That brings up the proposition the Senator is proposing. But that is not pending at the present time.

Mr. BINGHAM. Do I understand, then, that the conference report as it comes to us is not complete?

Mr. JONES. No; it is not.

Mr. BINGHAM. And it is necessary to take this matter back to conference?

Mr. JONES. After we agree to this report, if we do agree to it, then amendment numbered 46 will be in disagreement, but the House proposes to us to recede on amendment num-

bered 46 with an amendment. Then will come up that proposition.

Mr. BINGHAM. Is that in the conference report?

Mr. JONES. That is in the conference report.

Mr. BINGHAM. May I ask the Senator how that amendment reads?

Mr. JONES. What they propose is, in effect, this: That the proceeds shall be impounded and put into the Treasury. That is what they propose.

Mr. BINGHAM. That is what I supposed.

Mr. JONES. But that is not at issue now. That is not pending as a part of the conference report now. It is in disagreement.

Mr. BINGHAM. I want to take the matter up before we get into any position where it can possibly be agreed to by the Senate that any money saved is to be impounded, and not used for the purpose of payment of salaries.

Mr. JONES. We can talk about the matter all we please, but that matter can not be considered until after the conference report is agreed to. Then the proposition will come before the Senate on the proposal of the House to recede from amendment No. 46, with an amendment, in which that matter is dealt with.

Mr. BINGHAM. Mr. President, I want to address myself to that matter for a few moments, because I want to call the Senate's attention to what is likely to happen.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. LA FOLLETTE. I hope the Senator will not overlook the point that if this conference report is agreed to, then very little consideration will be given by the Senate to this very important question the Senator has raised.

Mr. BINGHAM. That is what I am afraid of. I am glad the Senator agrees with me.

I do not desire to be put in the position, so far as I am concerned, of being euchred out of the chance to fight for an opportunity to prevent a large amount of unemployment. When the President of the United States called before him the Senate Economy Committee, of which I have the honor to be a member, and talked to us about the furlough plan, which he afterwards apparently urged upon certain of his friends here and put through over the protest of the Economy Committee, he stated to us that that plan, the furlough plan, would insure a great saving without the discharge of employees; and if there is any member of the committee here who did not hear him say that, I would like to have him say so now, because that was my understanding of what the President said.

Mr. McKELLAR. I think he said that, but nothing was said about the impounding of this fund; and I believe that if we were to strike out the provision for impounding this fund, we would virtually do away with all economies. How could it be otherwise? We are making the same appropriation, substantially, that we made last year, and without the impounding of this fund I do not see but that the furlough plan would be just a fake and a foolish matter all the way through.

Mr. BINGHAM. Mr. President, may I explain to the Senator my position?

Mr. JONES. Mr. President, if the Senator will permit me to interrupt just a moment, I did not like one word used by the Senator. He said he did not propose to be "euchred" out of some time. I did not try to euchre the Senator out of any time.

Mr. BINGHAM. Mr. President, I do not play euchre, and I may have used a word which did not convey what I intended.

Mr. JONES. I do not play euchre either, but I just accepted the word as it is generally used.

Mr. BINGHAM. I do not want to be put in the position just called attention to by the Senator from Wisconsin, where we agree to a number of things and get in a position where there are only two or three things in issue, and in its haste to get away, the Senate agrees to them.

This is the situation as I see it. In order to make the argument a little easier, let us suppose the furlough plan

was a 10 per cent reduction instead of $8\frac{1}{3}$, purely for the sake of argument and to make it easier for me to use the figures. If the Senate in passing an appropriation bill had cut any bureau or any agency 10 per cent, let us suppose the agency had originally been provided with \$100,000. We cut it 10 per cent. That leaves them \$90,000. Under the plan proposed by the Senate Economy Committee of a 10 per cent reduction in salaries, it would have been possible for them to have continued their operations without discharging a single employee. All their employees drawing \$100,000 in total would have cost them only \$90,000.

The Senate has provided by a cut for just that amount of money, and they would have proceeded to operate and no one would have lost his or her job. Of course, in some cases the cut is more than 10 per cent and in other cases less, but in most cases the cut was 10 per cent. We have provided in a section to permit the head of the department to transfer a certain amount of the funds from one bureau to another in order to try to equalize the situation.

The proposal as the House made it originally amounts to this, that the Senate provides for that bureau \$90,000, a cut of 10 per cent. They then take 10 per cent of the employees and discharge them, and on the remainder of 90 per cent of the employees they make a cut of $8\frac{1}{3}$. In other words, the furlough plan does not save any jobs at all. It merely takes $8\frac{1}{3}$ per cent from the pay of all people who are permitted to be employed under whatever appropriation the Senate makes. If the Senate or the Congress had not made any cuts in appropriations, it would not be necessary to make any protest on this, because everyone would be employed and $8\frac{1}{3}$ per cent of their salary would be taken away from them and put back in the Treasury and we would have that amount of saving on personal services.

Under the proposal made by the Economy Committee of the Senate 10 per cent of all salaries would have been saved. Under this proposal there will be thousands of persons discharged to meet the amount set by the various appropriation bills as they come from Congress, and then the persons employed under that provision will lose $8\frac{1}{3}$ per cent of their salaries and the amount saved will then go into the Treasury.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BINGHAM. I yield.

Mr. McKELLAR. The Senator knows if the 10 per cent reduction had gone through, then all of these appropriations would have been reduced accordingly. For instance, take the Post Office Department bill carrying \$700,000,000. Half or more than half of that was for employees. Those portions going to employees would have been cut 10 per cent and that would have been provided for in the bill. But under the furlough plan we make the same appropriation and simply require the amount designated in the furlough plan to be turned back into the Treasury. Unless we have a provision returning that to the Treasury we will just leave it to the various officials of the Government as to whether there will be any cuts in salaries at all.

Mr. BINGHAM. Mr. President, the Senator from Tennessee was seriously ill during a very considerable part of the work of the Senate Economy Committee and therefore I do not believe that he fully grasps what, it is my impression, was the desire of the members of the committee who sat during his illness. Of course, if an appropriation bill goes through without any cut for personal services, then there will be a saving of $8\frac{1}{3}$ per cent under the bill and that would be impounded in the Treasury. I do not ask that the money be left to the department to spend as it wishes. On the other hand, I do not want to see a large number of employees discharged because we are saving some money on the other employees.

It was my understanding from what the President said to us that if we adopted the furlough plan, which both Houses now have more or less agreed to through their conferees, it would not be necessary to discharge employees; but if what the Senator from Tennessee holds is true, a large number of employees will be discharged, determined

by whatever the Congress puts in the appropriation bills, and on those employees remaining there will be a cut of $8\frac{1}{2}$ per cent.

Mr. McKELLAR. One of the very purposes of putting into one of the bills the provision giving the right to the head of a department to transfer at will appropriations up to 12 per cent, or even 15 per cent as I believe it is provided in one bill, was to take care of the salary situations as they arise so that no one should be dismissed. If that was not the purpose of the 12 per cent interchangeable provision, then we ought never to have agreed to the 12 per cent arrangement. It was the assurance of the Senator from Pennsylvania [Mr. REED] and others who were in favor of the 12 per cent interchangeable provision that by using that amount, taking it from one appropriation and carrying it to another, there would be no dismissal of employees.

Mr. BINGHAM. My understanding of the 12 per cent leeway arrangement was to avoid the mistakes that might have been made by the committee who did not have the advantage of hearing the heads of the departments, so that if we had cut off too much from one branch and too little from another, they could adjust it.

Mr. McKELLAR. If the Senator will look at the debates he will find that he is mistaken; that the only condition upon which it was agreed to was that the salary situations could be in that way adjusted and ironed out by the heads of the departments and bureaus.

Mr. BINGHAM. I have no doubt the Senator is correct in his statement, but I still do not see how we are going to avoid the discharge of employees if the total amount in the bill for personal services has been cut to such an extent that no amount of services is going to be provided in such manner as to prevent the discharge of employees.

Mr. McKELLAR. There were several heads of departments who informed me that with the 12 per cent arrangement the situation could be ironed out. I remember it arose in this way in one department. As to the various domestic commerce offices throughout the country, it was believed by Doctor Klein that with the 12 per cent provision in the bill those offices could be taken care of.

Mr. BINGHAM. Mr. President, will the Senator from Tennessee answer this question? Suppose that the best the department can do in rearranging this is to meet a cut of 10 per cent in the department which is composed chiefly of personal services. Under the bill as the House wants it passed, 10 per cent of those persons would lose their employment and the balance would be cut $8\frac{1}{2}$ per cent. Is not that correct?

Mr. McKELLAR. Oh, no. In the great body of 10 per cent cuts, as they were adopted in the Interior Department appropriation bill and in the appropriation bill for the Departments of State, Justice, Labor, and Commerce, for instance, certain reductions were made in other things than for personal services. Personal services play the smallest possible part. The only question that came up was personal services in the Bureau of Domestic and Foreign Commerce.

Mr. BINGHAM. The Senator from Tennessee is much more familiar with many of the appropriation bills than I am because he has been a member of the Appropriations Committee so much longer. But the fact remains there are some departments where practically the entire amount is for personal services. The fact remains that we have cut some of those items in the appropriation bill. The fact remains that if those cuts should go through in the way proposed by the House, those persons will lose their jobs and the amount saved by the persons who take up the $8\frac{1}{2}$ per cent cut will go back to the Treasury and will not be used for the payment of salaries. The fact remains that when the President proposed the furlough plan to us he said it would not necessitate the discharge of employees. I can see no way out of it except by inserting some such words as the Senate committee recommended, "shall not be used for any purpose other than the payment of salaries."

Mr. McKELLAR. That would appropriate the entire \$100,000,000 of the proposed savings for the purpose of paying salaries to whomsoever they please. That is what it

would amount to. If we put that provision in the bill, that is what it would provide.

Mr. BINGHAM. The Senator is quite mistaken.

Mr. McKELLAR. The heads of departments could use every dollar of the alleged savings. Every dollar of it could be used to employ persons as substitutes and to keep people on the salary roll.

Mr. BINGHAM. If the Senator will listen to me for a moment, he will save his time. I think there should be an amendment offered, and I shall be entirely satisfied with it, providing that no new persons shall be employed by that saving. What we tried to do in the committee was to see to it that the saving should not result in people losing their jobs, but that it should result in money being saved to the Federal Government.

Mr. LOGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Kentucky?

Mr. BINGHAM. I yield.

Mr. LOGAN. The Senator from Tennessee, in my humble judgment, is wholly mistaken and the Senator from Connecticut is correct. It may be there are some places where the appropriation has been reduced too much, and it can be made up by the 12 per cent transfer; but where the bureau requires most of the fund in the payment for personal services, of course, it can not be done. For instance, in the General Accounting Office it is all used for payment of personnel.

The bill ought to go back to conference and the conferees ought to straighten out the matter. I am advised this morning that the Comptroller General has advised the Senator from Utah [Mr. SMOOT] that this amounts to a double cut. The comptroller passes upon all these matters. The question of paying claims will go to him, and we will be in inextricable confusion by putting language in the bill that has no business there. In fact, there is no occasion to say that the money shall go back into the Treasury. There is no occasion to say that it shall be used for this or that purpose. The cut is made and then the appropriation bills are correspondingly reduced.

If the Senator from Connecticut will pardon me further, he is overlooking the fact that there is another provision in the bill that if the appropriation is not enough the furlough shall be made longer. It simply means that instead of a furlough of a month, they will be compelled to furlough the employees for 2 or 3 or 4 months and the work of the Government will go undone. In my judgment this does amount to a double cut. I do not see how we can escape that conclusion. It can be taken on any basis or any manner of reasoning, and it will be found that we provide in the economy bill that certain amounts shall be deducted. Then when the appropriation bill is passed it also deducts a certain amount, so there has been a double reduction made. The appropriation will fall short. It will, therefore, be necessary to provide a longer furlough for the employees of the Government. If the Comptroller General construes the law that way, there is no department of the Government that will not be in confusion from now on.

I think the Senator is right about it. I do not know who is responsible, but it seems to me the bill ought to go back to conference and it ought to be made clear before we pass it.

Mr. BRATTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Mexico?

Mr. BINGHAM. I yield.

Mr. BRATTON. The Senator has referred to the fact that in the conference at the White House the President stated that if the furlough plan were adopted there would be no occasion to discharge anyone. Permit me to call his attention to the fact the provision now in the bill is identical with that in the bill at that time. With such provision in the bill, the President made the statement to which the Senator now refers.

Mr. BINGHAM. Mr. President, the Senator from New Mexico was a member of the Economy Committee and I

think perhaps he may remember how surprised we were when we discovered that particular clause. I think—without disclosing any secrets—that around the committee table surprise was expressed by reason of the fact that the clause in the way it came from the other House meant that there would be discharges because the savings proposed by the President in the furlough plan could not be used to pay the salaries of other employees in a department.

Mr. BRATTON. Mr. President, that is true. What I call the Senator's attention to in connection with his quotation of the President is the impounding provision in its present form was in the bill at the time that the President made the statement that if the furlough plan were adopted no dismissals would be required.

Mr. BINGHAM. I can only believe that the President was not aware of that provision or did not realize its significance.

Mr. BYRNES. Mr. President—

Mr. BINGHAM. I yield to the Senator from South Carolina.

Mr. BYRNES. I think we can agree that as the bill was written in the other House the Senator from New Mexico is right; and when we discovered it, and adopted the 10 per cent cut, we specifically endeavored to correct that situation by providing that the money saved by the cut should be available for the payment of salaries of other clerks. It is correct that by reason of the furlough plan whenever one month's compensation is deducted from the salary of a clerk the money thus saved goes into the Treasury and is not available to pay another clerk. Is that the contention of the Senator from Connecticut?

Mr. BINGHAM. That is exactly the contention.

Mr. BYRNES. Therefore it does mean that the reductions in the appropriations heretofore made will result in the dismissal from the service of a large number of employees.

Mr. BINGHAM. Unquestionably that is true.

Mr. BYRNES. Does the Senator from Connecticut agree with me that it is a very logical procedure, having appropriated \$2,000,000,000 yesterday to provide employment, that by this provision we shall provide for unemployment?

Mr. BINGHAM. Exactly; and that is one reason why I hope the conference report will be sent back to conference for further study.

There are two other items to which reference has been made which lead me also to the same opinion: One is the provision regarding the dismissal of married persons, objections to which were brought out in the debate yesterday. What the Senate Economy Committee recommended was that hereafter in the appointment of persons to the classified civil service preference shall be given to persons other than married persons living with husband or wife. That is a new policy. It was adopted in order to spread out the jobs and provide for more families, but what the other House has insisted upon is that in any reduction of personnel husbands and wives decently living together should be penalized; they would either have to separate or let the court show that they were not living together or they would have to give up their positions, one or the other. That is a most unprecedented change in policy, which will cause a great deal of suffering entirely unnecessarily, and which will not save one penny to the Federal Government.

This is an economy bill and yet, under the specious guise of economy, it is proposed to change the plan which has been adopted that a person who has passed a certain examination with a certain grade, who has been appointed to the civil service, and has performed faithfully his or her work shall be retained, no matter whether he or she has relatives in the Government service or not. Now, we say that although certain employees have worked for years, conducting themselves honorably and performing their duty faithfully, forsooth, they are to lose their jobs, rather than someone else, because some other members of their families are in the Government service.

Mr. COPELAND and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I think the Senator from New York first rose and I yield to him.

Mr. COPELAND. Mr. President, I am in the fullest accord with what the Senator from Connecticut has said. I am not blaming the conferees, and certainly not the members of the Senate Economy Committee, for all of them have worked hard; but as this conference report comes to us it is filled with imperfections. We can not get away from here to-morrow, anyway; we are going to be here for several days. Let us send the conference report back, as the Senator from Connecticut suggests, and let the conference committee try again. With the debates which have been entered into on the floor, with the record as it will be disclosed, it will be found that there are many things needing correction. I am much concerned to-day as I was yesterday about the officers of certain services, the Marine Corps and the Coast Guard and the Public Health Service.

Mr. BINGHAM. I was about to speak of that matter, I may say to the Senator, but I am glad he has brought it up.

Mr. COPELAND. These are matters of concern. The question of voluntary leave of absence without pay is a matter that should be considered. There are many who under the circumstances will be glad to take a leave of absence in order to help others.

Accumulated days of leave is another matter not as yet settled entirely. The question of old-age retirement referred to this morning by the Senator from Vermont [Mr. DALE], and promotions in the police and fire departments, even though there may be no increase in pay, should be further considered. As the bill is now there is likely to be a double cut. For these reasons I commend the position of the Senator from Connecticut in urging that the report be sent back, and I hope it may be.

Mr. BINGHAM. Mr. President, in my own time—

Mr. SMOOT. Mr. President—

Mr. BINGHAM. I must yield to the Senator from Tennessee next, but I want to say a word further. The Senator from New York has referred to the matter of retired pay. In order to make the situation a little more vivid, let me refer to a very distinguished case. All of us remember that brave and marvelously active and efficient marine officer General Lejeune, whose services in France earned him decorations and the gratitude of the American people. A short time ago he was retired, still active, still perfectly able to serve his country, still a young man although he had reached the age of 64. He is now the head of a military school, if my memory serves me correctly, in the State of Virginia, and is paid, I think, from State funds. He is obliged to live in a certain manner, and naturally during his service he was unable to save anything. His retired pay is part of the compensation which he earned from the United States Government during more than 30 years of faithful service. Yet this bill proposes, forsooth, because he works for the State of Virginia, to take away from him practically all his retired pay that he earned during all these years of service, or to say to him, "You must, at the instance of the United States Government, leave the very important position which you now occupy as the head of this school where your influence on young Americans is valuable."

That is merely a single instance, Mr. President, which I wanted to bring to the attention of the Senate to show how this bill will work. I might suggest many other instances. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, what the Senator from Connecticut has said in regard to married persons in the civil service seems to me to be correct. I think every Senator realizes that the provision contained in the conference report would work a hardship and an injustice to married people now in the employ of the Government if it were permitted to remain. However, there is a condition and not a theory that presents itself to us. If we are going to make any savings under this bill, then the conference report ought to be adopted. So, believing that every Senator takes the same view about the provision affecting married persons

that I do, I have had prepared by the drafting service a concurrent resolution, which I think will be agreed to unanimously, and I am going to ask unanimous consent for its consideration now, if it is the proper time, or at such time as may be proper. I ask that the clerk may read the proposed resolution at the desk for the information of the Senate.

Mr. BINGHAM. Mr. President, will not the Senator permit me to conclude my remarks? I do not believe such a resolution can be adopted by unanimous consent. I think the Senator either was absent on account of illness or does not remember that there were one or two members of our committee who felt very strongly that the House provision was proper, and it was only after considerable discussion that a compromise was reached, and we struck out a portion of it.

Mr. McKELLAR. I think there was a unanimous sentiment when the bill was here that the provision incorporated by the Senate should be adopted; and, for that reason, the resolution I propose merely provides that the Senate provision, which applies only to the future, shall be adopted in lieu of the provision now in the conference report. I believe that will meet every demand of the situation.

Mr. BINGHAM. Mr. President, I think the Senator is wise in taking that step, but in view of the fact that the House has adopted this provision once and its conferees have insisted upon it a second time, I fear that the concurrent resolution which the Senator desires to present will receive scant attention at the hands of the House. It is a useful gesture on the part of the Senator, but I very much fear it will only be a gesture. I think the only thing to do is to send this report back to conference, and I shall make that motion.

Mr. President, before taking my seat I want also to refer to the question of the police and firemen of the District of Columbia. It was the intent of the Senate committee and of the Senate in passing this bill that the cut in pay should not apply to them any more than it should apply to the enlisted men in the Army, Navy, and Marine Corps. Yet, as the bill now comes to us from the conferees the policemen and firemen are included and not exempted. It seems to me particularly important that that matter should be reconsidered by the conferees.

Mr. President, in view of all the questions which were raised yesterday, in view of the objections urged to retirement-pay provision and to the provision affecting married persons, and in order to clear up the matter of whether or not it is our intention to create a large number of unemployed persons in the Government service, I move that the conference report be sent back to conference.

Mr. JONES. I make the point of order against that motion that it is not in order. The question is on agreeing to the conference report or its rejection.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BINGHAM. Mr. President, is it not always in order to move to recommit; is not that a privileged motion?

The PRESIDING OFFICER. The Chair understands that if the conference report should be rejected it would go back to conference.

Mr. BINGHAM. Was the point of order sustained?

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BINGHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Austin	Caraway	Hale	Logan
Bankhead	Carey	Hastings	McGill
Barbour	Connally	Hatfield	McKellar
Bingham	Coolidge	Hawes	McNary
Black	Copeland	Hayden	Metcalf
Blaine	Costigan	Hebert	Moses
Borah	Couzens	Howell	Norris
Bratton	Dale	Johnson	Nye
Brookhart	Fess	Jones	Oddie
Broussard	Fletcher	Kean	Patterson
Eulow	Frazier	Kendrick	Pittman
Byrnes	George	King	Reed
Capper	Goldsborough	La Follette	Robinson, Ark.

Robinson, Ind.	Shortridge	Thomas, Okla.	Walcott
Schall	Smoot	Townsend	Watson
Sheppard	Stephens	Vandenberg	White

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum is present.

Mr. BINGHAM. Mr. President, reserving the right to appeal from the decision of the Chair, I should like to call to the attention of the Senate the situation.

It has been disclosed that there are several matters in the conference report that either are not clear or are directly contrary to that which the Senate wishes to do.

I have moved to recommit the conference report. The Senator from Washington [Mr. Jones] has raised the point of order that it is out of order to recommit a conference report.

In Cleaves's Manual of the Law and Practice, in regard to conferences and conference reports, which is in our Senate Manual, on page 211, Rule LIV says:

It is not in order in the House to recommit a conference report to the committee of conference.

Rule LV says:

It is in order in the Senate to recommit a conference report to the committee of conference, but not with instructions, according to the later decisions.

I do not ask to recommit the report with instructions. It is true that there is a footnote stating that it has not been the practice in recent years. My understanding is that that practice is based on the fact that if the House conferees have been dismissed, there is no conference to which to recommit the bill, but in this case the House conferees have not been dismissed. There is still an amendment in disagreement—namely, amendment No. 46. Therefore, the conference is still in existence; and in view of the clear statement of rule 55, it seems to me the motion is in order.

Mr. JONES. Mr. President, I want to suggest to the Senator that I understand the House conferees have been dismissed. The House has adopted a motion receding from amendment numbered 46 with an amendment which the House has adopted and has sent over here for our concurrence. As I understand, if we do not concur we will have to ask for a further conference, and either appoint conferees or leave it to the House to appoint them.

That is what I understand the situation to be—that their conferees have been discharged, and that if we reject this report we will have to ask for a further conference with the House. I may be mistaken about that, but that is the way I understand the situation to be.

Mr. BINGHAM. I understood from a conversation with one of the House conferees only a few moments ago that they had not been discharged.

Mr. JONES. Well, I will leave that for the records to show. I understand that they have been discharged, and that if we desire any further conference we shall have to ask for a conference, and either appoint our conferees or wait until they appoint their conferees.

Mr. BINGHAM. Mr. President, in view of the clear language of rule 55, on page 211, I appeal from the decision of the Chair.

The PRESIDING OFFICER. Will the Senator read the rule again?

Mr. BINGHAM. The rule states:

It is in order in the Senate to recommit a conference report to the committee of conference, but not with instructions, according to the later decisions.

The PRESIDING OFFICER. That does not touch the question that the Senator has in mind. The Senator moved to recommit the conference report while a motion to agree to the conference report was pending, and the Chair ruled on this precedent:

Automatically the report goes back to the committee of conference when the report is rejected.

It is on that basis that the Chair ruled that the motion to recommit at the time this motion was pending was not in order, for the simple reason that a negative vote on the report would send the bill back to conference.

Mr. MOSES. Mr. President, there is no conference committee so far as the House is concerned. Those conferees have disappeared.

Mr. BINGHAM. In view of the statement made by the Senator from New Hampshire I withdraw my appeal, because if the conferees on the part of the House are no longer in existence there would be no point in the motion to recommit. Therefore I hope the motion to agree to the conference report will be rejected.

Mr. McKELLAR. Mr. President, I think there are two matters to which substantially every Senator agrees. One of them is that we ought to make the provision in regard to married persons apply only to the future; that it ought not to apply to those who are now in the service of the Government. So, Mr. President, in order to iron out the present situation, if possible, I send to the desk a concurrent resolution, which I ask to have read for the information of the Senate.

The PRESIDING OFFICER. The concurrent resolution will be read for the information of the Senate.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives is authorized and directed in the enrollment of H. R. 11267 (the legislative appropriation act for the fiscal year ending June 30, 1933) to strike out all of section 213 (including the caption thereof) and to insert in lieu thereof the following:

"APPOINTMENT OF MARRIED PERSONS

"SEC. 213. Hereafter in the appointment of persons to the classified civil service preference shall be given to persons other than married persons living with husband or wife, such husband or wife being in the service of the United States or the District of Columbia."

Mr. McKELLAR. Mr. President, if that concurrent resolution is passed it will go to the House, and the House can pass upon it. If they pass affirmatively upon it, this correction will be made in the very bill now under consideration.

We ought not to take the risk involved in rejecting the conference report at this time. The matter can be attended to in this way. I have no doubt that when this concurrent resolution goes to the House it will appeal to the House in such a way that the House will pass it also, and therefore the matter can be corrected.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. COPELAND. Even though we were to pass this concurrent resolution—and personally I am in the fullest sympathy with it, as the Senator knows—

Mr. McKELLAR. Yes.

Mr. COPELAND. There are other matters which to my mind are important, relating to other employees.

Mr. McKELLAR. Yes.

Mr. COPELAND. Does not the Senator think that we might better reject the report and let it go back to the conferees, to see if this matter relating to married persons, as well as the other matters which have been considered here, can not be considered and acted upon by the committee?

Mr. McKELLAR. Mr. President, under other circumstances, earlier in the session, when the conferees and the Congress had plenty of time to pass on it, that might be a very wise course; but at this late day, if we undertook to jeopardize the passage of this bill and virtually cut off \$160,000,000 from the revenue, I think we will be doing something that we would not be justified in doing.

Mr. WATSON. Mr. President, would the Senator have any objection to permitting the concurrent resolution to be read again?

Mr. McKELLAR. Not at all. I hope it will be read. I will say that it has been prepared by the legislative counsel under the direction of the parliamentarian, and I think it will sufficiently correct the situation if passed by both Houses.

Mr. ROBINSON of Arkansas. Mr. President—

Mr. McKELLAR. I yield.

Mr. ROBINSON of Arkansas. The use of a concurrent resolution in cases like this is usually to correct an admitted

error in the text of a bill. So far as I know, it has never been resorted to in order to eliminate a matter actually in controversy between the two Houses.

It is perfectly clear to me that to agree to this conference report on the theory that the House is going to recede from the position it insisted upon would be to make certain the adoption of the conference report and the failure of the concurrent resolution.

In my humble judgment, with all due deference to the able Senator who proposes the concurrent resolution, it can not be relied upon to settle a dispute between the two bodies. If the Senate desires to eliminate the provision complained of and to which the concurrent resolution is directed, it will never accomplish it by agreeing to the conference report and then asking the House to change its attitude after the position of the House has been confirmed by the Senate. It is perfectly clear to me that the adoption of this conference report means the acceptance of the bill with all these provisions that are objectionable.

In view of all the complaints that are made here and the controversies that have arisen regarding it, while I should very much like to see this conference report agreed to and the bill finally passed, I believe the best policy is to let it go back to conference and let the conferees make another effort to settle it.

I realize that there is a great burden on this conference committee; but it is perfectly apparent from the debate which has proceeded here for almost 24 hours that many Senators are not in a frame of mind to accept this report. I do not think we can work out this problem by a concurrent resolution adopted after the conference report has been agreed to, for there would then be no justification whatever in the House of Representatives receding from a position that had been sustained by the action of the Senate. It would be a mere matter of generosity on the part of the House to do that.

Mr. JONES rose.

Mr. MOSES. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I will in just a moment. The Senator from Washington rose first; but I want to say that when this matter first came to the Senate it had been considered by very few Senators. So far as I know, practically every Senator with whom I have talked feels that the provision in regard to married women ought to remain for the future. I think the same thing applies to the other proposition as to the superannuated employees. I think we all agree that there would be no saving by discharging the superannuated employees, and it seems to me that this might be arranged in this way.

Mr. ROBINSON of Arkansas. Mr. President, the Senator has stated that every Senator agrees that this provision ought to go out. Granting, for the sake of the argument, that that be true, and that the Senate is in that frame of mind, that does not alter the fact that the House of Representatives is committed to the other attitude on the question. That does not alter the fact that the proposition is still in dispute.

Mr. McKELLAR. No, Mr. President, that is true; but here is the trouble about sending the matter back to conference: I have talked with the conferees, and I know that they are not going to change their position about it. If the concurrent resolution passes, it will be put up to the House; and the House, I believe, will change its position about it.

Mr. ROBINSON of Arkansas. I think that is virtually a concession of the argument I made a few moments ago. If the conferees on this bill on the part of the House maintain their attitude, the House having already apparently given them support, it is not likely that the House would overrule their own conferees on a mere concurrent resolution, after the Senate had sustained the position of the House and of the House conferees. It is perfectly plain to me, if we wish to eliminate or change this provision, that it will have to be done in the conference, and that it can not be done after the Senate has agreed to the conference report.

Mr. JONES. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. JONES. I am rather inclined to think that the wise course for us to take under the circumstances is to take the bill back to conference.

Mr. McKELLAR. That ends the matter so far as I am concerned, and it makes it entirely satisfactory.

Mr. JONES. There are some of these items which I am satisfied will come back here in the same shape in which they are now. There are some of them which can possibly be changed to meet the wishes of the Senate. As I stated yesterday, I have been from the beginning in sympathy with the contention of the married people, but we are going to have a pretty strong position taken by some others who will be involved in the conference.

Mr. ROBINSON of Arkansas. Mr. President, confirming what the Senator from Washington has said, I do not think the Senate should assume that the mere recommittal of this conference report to the committee on conference means the elimination of this matter we are all discussing, the matter which relates to the status of married persons in employment by the Government. I have some information that the contest will be prolonged, but I am sure that the only chance of eliminating or substantially changing it is by pursuing the course suggested by the Senator from Washington.

Mr. JONES. Mr. President, all these other propositions which have been presented will be very carefully considered if we take the matter back to conference, just as they were before. There may be some changes or modifications we will be able to make which will make the provisions more satisfactory than they are now.

This is a very complicated bill; there are all sorts of propositions in it; and, of course, the conferees did not suppose it was perfect, but it seemed to be the best we could work out under all the circumstances. From the debate and discussion we have had here, however, and the objections which have been made, I am inclined to think it is wise and in the interest of saving time to take the matter back to conference to see if we can work it out.

Mr. BINGHAM. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. Is it in order in the Senate to instruct the conferees in regard to any matter?

The PRESIDING OFFICER. If the Senate desires to instruct its conferees, the time to do so is before the Chair names the conferees.

Mr. BINGHAM. It would be in order, then, after the motion to agree has been rejected, to move that the Senate insist upon its amendments and ask for a conference, and direct the conferees to do certain things. Would that be in order?

Mr. JONES. Mr. President, I want to suggest that while I suppose the Senate could do that, it would not result in a very free conference, and I imagine that the other conferees, or the body they represent, would resent that very much.

Mr. MOSES. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. MOSES. I thought I had the floor.

Mr. JONES. I am glad to give up the floor after having made these statements, and after other Senators have expressed themselves, I shall ask the Senate to disagree to the conference report and to appoint conferees.

Mr. MOSES. Mr. President, that brings us to the only course we can pursue. The unbroken practice here has been to dismiss automatically conferees in either House as soon as the House has acted. The House of Representatives have acted, and their conferees are gone. We must begin this thing de novo, and the only action the Senate can possibly take this minute is to agree or disagree.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. MOSES. I yield.

Mr. ROBINSON of Arkansas. I think it should be called to the attention of the Senate before this matter is finally decided that the House will be in recess until Monday, and that at least some of the present House conferees will be

absent for some days attending the Democratic National Convention at Chicago.

Mr. MOSES. Of course, Mr. President, that is another one of the various complications which attend a rejection of this report on the part of the Senate. The Senator from Washington has spoken of the prolonged discussions which took place in the conference, of the difficulty of arriving at various conclusions, and admitted, with his usual frankness, that undoubtedly there were things in the conference report which were repugnant to the sensibilities of many Senators. We all can understand exactly what type of conference had to be held on a controverted measure of this kind.

It now comes to us, and upon examination we find that not only this matter of the married couples, but various other conclusions, have been brought into the conference report with reference to the application of the furlough system, which seem to me to have been ill considered in the conference; that certain of the House proposals with reference to it have been taken into the conference report in such wise that great difficulty will arise in the administration of the furlough system, and I suppose one could enumerate 20 items in the conference report to which exception might be taken.

Those can not be cured upon the floor of the Senate, Mr. President. The conference report can not be recommitted. We can again ask for a conference, and start, as I have said, de novo. As I view it, and in this view I am in complete accord with the Senator from Arkansas, we can not be curing defects in a conference report by a concurrent resolution. That would establish a parliamentary precedent which would bring us endless trouble toward the end of every session of Congress, when we were dealing with measures en masse, as we now are.

The simple thing is to follow the suggestion made by the chairman of the Committee on Appropriations, and reject this report, and we will then have a chance to confront the conferees on the part of the House, who, as the Senator from Arkansas suggests, may be adamant. My experience with conferees on the part of the House is that they generally are adamant in their attitude toward everything which they propose; so that the language of a conference report about a "full and free conference" to me often seems wholly a non sequitur, in view of what has taken place.

Under the circumstances which confront us here, I can see no remedy except to reject the report and start again, and see if we can do better.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MOSES. I yield the floor, unless the Senator wants to ask me a question.

Mr. McKELLAR. The Senator has spoken of the troubles and difficulties the conferees have had, and especially about the furlough plan. Does not that show to the Senator that the furlough plan was a very poor plan—to bring about all these troubles?

Mr. MOSES. Mr. President, if I had been a conferee on the part of the Senate I think I might have brought back a better report. [Laughter.]

Mr. McKELLAR. I think the same thing, Mr. President, as I was not a conferee.

Mr. NORRIS. Mr. President, for the information of the Chair, when he comes to appointing conferees again I suggest that he take into consideration the statement of the Senator from Tennessee and that of the other candidate, the Senator from New Hampshire.

Mr. McKELLAR. I object.

Mr. BINGHAM. Mr. President, there are quite a number of Senators in the Chamber now who were not here when I made my first general objection to the adoption of the conference report, and I would like to just call their attention to the fact that amendment numbered 46, which occurs on page 50 in the original bill, section 108, relating to the impounding of savings, came from the House in such form that the savings had to be impounded in the Treasury and could not be used to keep persons employed.

When we first considered the matter we were told by the President that one reason why he favored the furlough plan was that it would result in saving money without anyone losing his job. But when the Senate Committee on Economy studied the bill we discovered that the phrase used in that section required the money saved to go back into the Treasury.

The Senate committee recommended putting in the words "shall not be used for any purpose other than the payment of salaries." This would permit a department that has a 10 per cent cut in its appropriation to keep on with the same number of employees, and use the money saved by the furlough plan in employing those whom it could not otherwise employ. But the way the bill has been sent over from the House, and the way the conferees of the House wanted to do it, it would mean that, in the first place, they would discharge 10 or 15 per cent of the employees, according to the appropriation bill, and then 8½ per cent of the pay of the others would be taken from their salaries.

As has been pointed out by the Senator from New Mexico, the provision for additional furloughs would lead to a double cut on some employees who might be required to take a furlough of six months in order that the saving might be made.

I hope very much that, although no motion is made to instruct the conferees, they will see to it that the cuts are made in such a manner as to restrict the number of new members of the great unemployed to the lowest possible denominator and still save money for the Treasury.

Mr. BRATTON. Mr. President, regretting very much to find myself in disagreement with the chairman of the committee, I truly regret that he has expressed himself in favor of having the Senate disagree to the conference report. In doing that I do not contend that the conference report is perfect. It has its weaknesses. Any report brought here dealing with such a multitude of complicated questions will have its weak aspects.

Mr. President, some of the confusion arises by reason of our efforts to adjust the furlough system to other provisions of the bill already approved and constructed. Perhaps the Senator from Connecticut is lending undue emphasis to the impounding provision, although our committee agreed unanimously to amend it in the form in which it was originally reported to the Senate. Let me remind the Senate that the impounding provision does not come into operation unless there is an excess of money over and above the pay roll. If there is an excess of money to which the impounding provision automatically attaches, there are no dismissals of employees. The provision is designed to operate where there is an excess of appropriation over and above the pay roll. The object of the House text is and the purpose it will accomplish will be to attach the impounding provision to such excess and cover it into the Treasury to the credit of miscellaneous receipts.

Mr. BINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. BRATTON. I yield.

Mr. BINGHAM. I had been, until this morning, inclined to agree with the position just taken by the Senator from New Mexico. In fact I felt sure that he would not agree to the conference report unless it so provided. In other words, if any department consisting entirely of personnel or personal services, for which the original appropriation was \$100,000 which the Senate had cut to \$90,000, if a 10 per cent cut instead of an 8.3 per cent cut had been made, it would have been possible to continue all the employees, because they could be employed out of the \$90,000. So I thought the position which the Senator has just taken was the position which would be taken.

However, I discovered this morning by informal conversation with those who had talked with the Comptroller General that, in view of the fact that the conference report explicitly strikes out certain words and in view of the position taken by the Senator from Tennessee [Mr. McKellar] a few

moments ago that we would not get any saving any other way, I came to the conclusion that what would be done by the comptroller would be to hold that we must discharge employees up to the point which the appropriation provides for and then on the balance to make a cut of 8½ per cent. If the bill does go back to conference, as I hope it will, since the chairman of the Senate conferees has requested that the report be disagreed to and it shall go back to conference, I hope that the conferees on the part of the Senate and the House will be able to write language into the bill which can not be misinterpreted by the comptroller, so that the position taken by the Senator from New Mexico may be clearly made the intent of Congress.

Mr. BRATTON. Let us take the case cited by the Senator from Connecticut. The department has a pay roll of \$100,000. We will say that under the furlough system the total salaries for that department are reduced to \$92,000. If the Senate appropriates \$92,000 or less, the impounding provision has no application, because the full amount will be required to pay the salaries of \$92,000. If the Congress appropriates less than \$92,000, the impounding provision will not operate, because there is nothing to which it may attach. On the contrary, the so-called emergency furlough provision will operate. In other words, the employees will be furloughed more than one month in the next fiscal year. The only instance in which the impounding provision would operate would be if the Congress appropriated \$93,000 or \$95,000 or any other sum above \$92,000. Upon that excess and to that excess the impounding provision would attach, and would automatically cover it into the Treasury to the credit of miscellaneous receipts. That is what the House intended, and I can see no valid objection to it.

If by the furlough system already approved by both branches of the Congress the pay roll of that department be reduced from \$100,000 to \$92,000, that much money will be used in paying the employees. If only \$92,000 or less is appropriated, the impounding provision is surplusage in the bill. But if more than that is appropriated the impounding provision comes into play and attaches itself to such surplus and covers it into the Treasury.

So, Mr. President, matured reflection convinces me that much of the excitement about the automatic impounding provision is without substance. I think everyone wants the surplus covered into the Treasury, every dime of it over and above the amount necessary to compensate the employees upon the basis provided for in the furlough system, and the impounding system does not interfere with that. It is inoperative unless and until the appropriation exceeds the pay roll.

What are we going to do with the surplus? What objection is there to attaching the impounding provision to it and covering it into the Treasury? It is economy that the bill is designed to achieve, and that is what the provision does.

Mr. COSTIGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. BRATTON. I yield.

Mr. COSTIGAN. Does the Senator approve of the provision relating to married women as reported by the committee?

Mr. BRATTON. I do, and I shall address myself to that momentarily.

Mr. BINGHAM rose.

Mr. COSTIGAN. May I ask the Senator in part to address himself, when he speaks on that subject, to the question of public policy, which is associated with the problem of dividing the homes of married people?

Mr. BRATTON. I shall do that immediately after I respond to a question which the Senator from Connecticut [Mr. Bingham] desires to propound.

Mr. BINGHAM. It had not occurred to me there was any danger that the department might use any surplusage in the form of payment for additional services. That was not my intention at all. It was my intention merely that

the amount of money appropriated should be used in so far as it could possibly go to keep employed persons now in the department.

I took a position exactly in accord with that which the Senator from New Mexico has just taken, but I fear the comptroller will not take that position. In fact, I have been assured that he would not, in view of the fact that this language has been stricken out. Therefore I urge upon the Senator, when he brings the matter back from the new conference, to see to it that it has been written in such way that there may be no new persons employed or new positions created out of the surplusage, but that the surplus shall be impounded.

Mr. BRATTON. Mr. President, one other observation respecting this phase of the bill, and then I shall address myself to the matter the Senator from Colorado has in mind. If an emergency shall arise such as the Senator from Connecticut fears, it could be supplied by a transfer of money from some other source under the so-called 12 per cent interchangeable provision. Of course, that would not be true in a department where its activities were confined solely to personnel, such as the General Accounting Office. A situation of that kind can be corrected in the deficiency appropriation bill.

But let us take the Navy Department, for instance. We are told that under the 12 per cent interchangeable provision, the Navy Department could take up to 12 per cent of the money appropriated for the construction of battleships and use it to pay employees if necessary. If some unforeseen emergency should arise such as the Senator from Connecticut fears, it could be met through the operation of the interchangeable provision without discharging employees. Indeed, under the two furlough provisions in the bill taken together it is inconceivable that anyone will be discharged. They may be furloughed more than one month and perhaps will be if Congress fails to appropriate sufficient money to keep them employed 11 months during the next fiscal year. But if that condition arises it is the duty of the department, under that provision, instead of discharging employees, to furlough them for an additional period of time. So that all the fears about the necessity or the obligation to discharge a large number of employees, it seems to me, are untenable.

Under the bill as it now stands, under the much-heralded furlough system, saturated with uncertainties and doubts and fears, employees will not be dismissed. They will be furloughed. Of course, it decreases their income. It makes no difference whether a man is discharged for 30 days or furloughed for 30 days, he is without his salary and, unfortunate though it is, the situation seems to require it.

Let us take the two provisions together—and they must be interpreted together in order to ascertain how the bill will operate. Under the general furlough provision in the bill employees will be furloughed one month without pay during the fiscal year, not more than five days of it to be in any one calendar month without the employee's consent. It is expected that Congress will appropriate sufficient money to carry forward the Government business in that way. But anticipating that through miscalculation or otherwise Congress may fail to appropriate an adequate sum for that purpose and anticipating that through the interchangeable provision in the bill funds would not be available, then we have the emergency furlough provision which requires that the head of the department shall furlough the employees such additional period as may be necessary in order to live within the appropriation. So that all the talk about dismissing hordes of employees and permanently discharging them is not tenable.

Mr. DALE. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Vermont?

Mr. BRATTON. I yield.

Mr. DALE. Under section 204 of the bill the department is definitely instructed to dismiss all employees having reached the retirement age.

Mr. BRATTON. That relates to the question of retirement. That is not furlough.

Mr. DALE. No; but the Senator was speaking about the question of dismissal of a large number of employees.

Mr. BRATTON. By reason of the furlough system or the appropriation of an inadequate sum of money. I did not address myself to the retirement provision of the bill.

Mr. DALE. May I ask the Senator a further question?

Mr. BRATTON. Certainly.

Mr. DALE. Did the Senator realize that in conference the report meant the dismissal of about 1,500 employees and cutting off their services before they had rendered the necessary 15 years' service for retirement, leaving them without any annuity or any possible way to get employment under the Government thereafter?

Mr. BRATTON. I do not know the number involved. Of course, every conferee knew that there would be some dismissals under the provision. However, I am now discussing the furlough system.

Mr. DALE. Does the Senator mean to say that he knew that any employees would be dismissed in this way and that the Government would in that way violate its contract and repudiate its bond?

Mr. BRATTON. I do not accept the Senator's statement with reference to "violating its contract and repudiating its bond." I did know that in all probability some employees would be dismissed under the provision to which the Senator addresses himself.

Mr. DALE. And that they would be dismissed in such a way as to make it impossible for them to keep their contract with the Government?

Mr. BRATTON. The Senator talks about a contract. I do not subscribe to his view in that respect.

Mr. DALE. If the Senator does not subscribe to the view that there is any contract between the Government and its employees, I could not argue with him about it.

Mr. BYRNES. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from South Carolina?

Mr. BRATTON. I yield.

Mr. BYRNES. Directing the Senator's attention to the provisions of the furlough system, am I correct in the impression I have received that notwithstanding the provisions of section 105, the compensation reduction system, the compensation reduction does not apply to the enlisted personnel of the Army and Navy or to public officials whose compensation is derived from assessments upon banks?

Mr. BRATTON. Mr. President, I welcome the inquiry from the Senator from South Carolina. It is timely and pertinent. It was the intention of the original bipartisan committee of six Senators who were assigned to the task of considering this bill that the enlisted personnel of the Army, the Navy, the Marine Corps, and the Coast Guard should be exempted from any reduction in compensation. That was also the intention of the conferees between the two branches of the Congress, and although there may be some doubt respecting the phraseology as adopted by the House, and found at page 13537 of the CONGRESSIONAL RECORD, there can be no doubt concerning the intent of the conferees. They intended throughout for sound reasons to exempt from the reduction in compensation either by furlough or per cent or otherwise the enlisted personnel of the Army, the Navy, the Marine Corps, and the Coast Guard.

Mr. BYRNES. Then the Senator will agree that that would be true also of subdivision 7, in section 104, applying to all the public officers who are not paid out of the Treasury?

Mr. BRATTON. Yes; they fall in the same class.

Mr. BYRNES. Mr. President, will the Senator from New Mexico yield for one further question?

The VICE PRESIDENT. Does the Senator from New Mexico yield further?

Mr. BRATTON. Yes.

Mr. BYRNES. The rural carriers are subjected to the cut provided for in the compensation-reduction section; then, in addition to that, to the reduction in the allowance for equipment; but as I read the furlough provisions, as reported, they would not be subjected also to the section providing

that officials or employees shall not be entitled to leave this year.

Mr. BRATTON. Mr. President, I think they will not be affected by that provision. I want to discuss briefly the question of leave, because it has been raised concerning the policemen in the District of Columbia and likewise the teachers in the city of Washington.

Mr. McKELLAR. Mr. President, before the Senator begins that discussion will he yield to me?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. BRATTON. I yield.

Mr. McKELLAR. The Senator recalls, does he not, that it was the unanimous opinion of the committee, as I remember, that superannuated employees should not be dismissed before the time as now provided by law?

Mr. BRATTON. Yes.

Mr. McKELLAR. But the conferees reported an agreement with the House that such employees might be dismissed unless the President intervened, as I recall the provision.

Mr. BRATTON. The Senate conferees yielded with that proviso.

Mr. McKELLAR. May I express the hope, in view of the fact that there will be no saving by the discharge of such employees and that many of them are the very best and most efficient employees of the Government, that the conferees, when this bill goes back to conference, will insist upon the Senate provision as to such employees?

Mr. BRATTON. Mr. President, the views of the Senator from Tennessee are always welcome.

I now address myself briefly to the question of leave with pay as it relates to policemen and teachers in the District of Columbia. Title I concerns the furlough of Federal employees. The furlough provisions are found in that title. Section 103, being a part of that title, provides:

All rights now conferred or authorized to be conferred by law upon any officer or employee to receive annual leave of absence with pay are hereby suspended during the fiscal year ending June 30, 1933.

Note the expression, Mr. President—"officer or employee." The succeeding section, namely, section 104, provides:

SEC. 104. When used in this title—

(a) The terms "officer" and "employee" mean any person rendering services in or under any branch or service of the United States Government or the government of the District of Columbia, but do not include . . . (5) officers and members of the police department of the District of Columbia, of the fire department of the District of Columbia, of the United States park police in the District of Columbia, and of the White House police; (6) teachers in the public schools of the District of Columbia.

Mr. President, obviously the provision of section 103 suspending all laws conferring leave upon any officer or employee of the District is restricted by the succeeding section defining the term "officer" and "employee," and that provision expressly excepts policemen in the District of Columbia and teachers in the District of Columbia. There is a subsequent provision in the bill to the effect that hereafter annual leave with pay shall be limited to 15 days in the calendar year, but that is not a part of Title I; that is a part of Title II. It applies to others, but not to policemen and teachers in the District of Columbia. They will have leave of 15 days during the fiscal year 1933. I think that answers the question of the Senator from South Carolina [Mr. BYRNES].

Mr. President, the Senator from Colorado [Mr. COSTIGAN] asked my opinion touching the provision found on page 64 of the Senate bill relating to married persons in Government service. The Senator from Colorado referred to the provision as the one relating to "married women" in Government service; and a great deal has been said about the provision relating to "married women" in Government service. To hear the talk here and yonder and elsewhere one would think that the provision was confined solely to married women in Government service and was directed at them on account of their sex and their marital relations. The provision, however, relates to married persons, and

concerns married men in the Government service the same as it does married women. It provides:

In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced, shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. Hereafter in the appointment of persons to the classified civil service, preference shall be given to persons other than married persons living with husband or wife, such husband or wife being in the service of the United States or the District of Columbia.

So at the outset let us disabuse our minds of the thought that this provision is directed at married women; it is directed at married persons; it is directed at both spouses; it is directed at a husband the same as it is at a wife. There is no distinction between the husband and the wife.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. BRATTON. I yield.

Mr. ASHURST. The Senator from New Mexico has performed a valuable public service. I am amazed at my own ignorance of this subject. More than 40 persons in the last few days have sent cards to me and asked for interviews, stating directly that the provision now being discussed was directed simply against married women; and until this moment, not having had time to read it, I was under that misapprehension, and was about to vote against the conference report on the ground that married women had been singled out and set apart for furlough or discharge because of their marital relations. However, the able Senator from New Mexico reads from the report, and, from the report, it appears there is no discrimination against any person because of sex. The Senator has certainly cleared up a matter that was greatly disturbing me.

Mr. REED. Mr. President, will the Senator from New Mexico yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Pennsylvania?

Mr. BRATTON. I yield.

Mr. REED. Does the Senator think that in very many cases it is probable that under the provisions of this section the woman would remain at work and the husband would sit around in idleness living on her earnings?

Mr. BRATTON. No.

Mr. REED. If that is not the case, then it is directed at married women, because one or the other would have to be discharged.

Mr. ASHURST. Mr. President, will the Senator permit me to answer that suggestion?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. BRATTON. I yield.

Mr. ASHURST. I will say that more married men will be furloughed than married women. [Laughter in the galleries.]

The VICE PRESIDENT. There must be no demonstrations in the galleries.

Mr. BRATTON. Mr. President, the colloquy makes manifest just one other disagreement of opinion concerning the furlough system, and the Senator from Pennsylvania and the Senator from Arizona can not agree about that.

Mr. REED. Just a moment, Mr. President. We are not talking about furloughs. The Senator from Arizona referred to the furlough of married women. This is a question of dismissal of married persons. Every employee is going to be furloughed; there is no question about that, married and unmarried, men and women. This is a question of permanent dismissal from the service; and I say that in every case where a married pair are employed by the Government it is going to be the woman who will be dropped, because it is unthinkable that her husband would be dropped and she would go on working for the family.

Mr. BRATTON. Let us see how the provision will operate. In the first place, it has no effect until it becomes necessary to reduce personnel. So long as sufficient money is provided

to go forward with the Government's business without any reduction in personnel, no one, either husband or wife, will be affected. It operates solely, only, and exclusively when it becomes necessary to reduce personnel.

But, Mr. President, the impression has gone abroad that the moment this bill shall be approved by the President every married woman in the service whose husband is likewise employed by the Government will automatically be dismissed. Of course that is a misunderstanding, and it is due in a large measure to the propaganda which has been heralded abroad throughout the country. True, it has been said repeatedly that the provision is directed at married women, and I dare say that a great many of those who have taken a position in opposition to it have done so with the earnest belief, but on misinformation, that it singled out married women and sought to discriminate against them on account of their sex and their marital relations. But, Mr. President, let us say that the time is here, or that it is approaching, when the Government must curtail its personnel, when the number of Government employees must be reduced. The question then arises, Shall the Government continue to let a husband and wife draw two good salaries while their neighbor, perhaps a husband with a wife and five or six children—an employee in the same class, bear in mind, not below, but in the same class—shall be dismissed and the only breadwinner of the family shall be without income to support himself and his wife and his children?

Suppose, Mr. President, that a thousand law-abiding citizens are marooned upon an island and are destitute and hungry and the Government was able to get them only 500 meals, would the Senator from Pennsylvania or anyone else who opposes this provision advocate that the Government should give one-half of those thus marooned a full meal each and deny the other half any food whatever? Of course not. If it becomes necessary to curtail the personnel in the Government service and there are two persons within the same class, one of whom is a husband whose wife is also on the pay roll or a wife whose husband is also on the pay roll, is it not far better to have one of them go out of the service and let that family get along afterwards with one salary than to dismiss another employee working alongside of them, an employee of the same class, with the same degree of efficiency, and performing the same service to the Government who is the sole support of a family? Should he not be permitted to continue to draw his salary? In other words, let two families have one pay check each instead of one having two pay checks and the other none.

Mr. REED. Mr. President, will the Senator permit a question?

Mr. BRATTON. Always.

Mr. REED. There is nothing in this provision that mentions efficiency, is there?

Mr. BRATTON. If they are in the same class, I should assume that they would be of substantially the same degree of efficiency.

Mr. REED. Is it written anywhere in this clause in the bill? Does it not wholly ignore the efficiency of the person, and base the dismissal solely on the marital relationship?

Mr. BRATTON. The Senator will notice this language:

In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced, shall be dismissed before any other persons employed in such class are dismissed.

They must be in the same class.

Mr. REED. Can there not be variations of efficiency within a class?

Mr. BRATTON. There should not be very much if they are all in the same class.

Mr. REED. There might be some. Necessarily there would be some.

Mr. BRATTON. Of course no two persons are exactly the same in efficiency; but if they are in the same class, we must assume that they are substantially equal in point of efficiency.

Mr. REED. Will the Senator permit another question?

Mr. BRATTON. Yes.

Mr. REED. Assuming that a single person were employed in one of these positions, and were within his class at the top from the standpoint of efficiency, the civil service law would protect that person from dismissal until all those inferior to him had been dismissed; would it not?

Mr. BRATTON. Yes; if those inferior to him were married persons.

Mr. REED. Yes; but suppose the class were made up entirely of unmarried persons of varying degrees of efficiency: That one with the best efficiency would be protected by the civil service law from dismissal until the less efficient had been dropped. That is correct; is it not?

Mr. BRATTON. Yes; that is correct.

Mr. REED. Now, then, is not this the way the provision is going to work: If all that the Senator has argued be admitted, and if it be unjust to have two jobs in the same family when another family has not any job—if that is to be our guide, and if that is to be considered unjust—is not this the way it will work:

That the husband and wife living together, as they should, will be confronted with the provisions of this section, and the law will compel the dropping of one of them; whereas if they separate and establish two domiciles, and live the way no husband and wife ought to live, the law will protect them in their jobs. In the one case, where they live normally, the law throws them out. In the other case, where they live abnormally, the law protects them and holds them in. Is not that an exceedingly bad public policy?

Mr. BRATTON. Of course; but I dare say that the average husband and wife in the United States will cling to one another and live on the one salary. I do not believe that the average husband and wife in this country will forsake one another simply because the Government is unwilling to give them two pay checks when their next-door neighbor, likewise in the Government service, must give up his single pay check and thereafter have no income in the family. I can not join the Senator from Pennsylvania in the belief that the average husband and wife in this country will take that view of the situation.

Mr. REED. Mr. President, if a separation were necessary for a time in order to protect the home that they have bought, on which installments are due, or in order to provide for the children they perhaps are struggling to educate, I believe any husband and wife with proper spirit would make the sacrifice and would separate for the time being.

Mr. BRATTON. Mr. President, for the moment I shall accept the view expressed by the Senator from Pennsylvania, that a husband and wife will separate and will live apart in order that they may receive two pay checks for the purpose of supporting their children and paying the mortgage on their home. But is it worse to have them do that than to have their neighbor next door, with only one pay check in the family, put off the Government pay roll and have him and his wife and his children become objects of charity? I say, emphatically, no; it is infinitely worse to drive that husband and that wife to the extremes to which they may be obliged to go in order to meet a desperate situation of that kind—no pay check, no income, with temptation all around to resort to questionable methods of making a living.

Accepting the view expressed by the Senator from Pennsylvania—which I do not think will be true, but, for the sake of argument, let us assume it—I say it is infinitely better to have the husband and wife he has in mind maintain two domiciles and be loyal to one another, to occupy that status simply in order that they may have the two pay checks during this crisis, than it is to have the husband and father that I have in mind, who lives next door, and is just as efficient, just as faithful, just as loyal to the Government, go out of the Government service with hunger and starvation staring him and his wife and his children in the face.

Mr. CONNALLY. Mr. President—

Mr. BRATTON. Mr. President, let no one believe that this provision is directed at married women. Despite everything that has been said against the Congress and the Senate, I do not believe there is a Member of this body who would single out married women and legislate against them as a class. Nothing of that kind has been done here.

Mr. COSTIGAN. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield, and to whom?

Mr. BRATTON. The Senator from Texas [Mr. CONNALLY] asked me to yield first. Then I shall be glad to yield to the Senator from Colorado.

Mr. CONNALLY. Mr. President, I have no desire to interject myself into this debate between the Senator from Pennsylvania and the Senator from New Mexico, and express no preference as to their two viewpoints regarding this bill. I do desire, however, to take this opportunity to express my amazement at the sentiments expressed by the Senator from Pennsylvania.

If the employees of the Federal Government have reached the point where they think more of the pay check than they do of their homes and their families, if they are willing to sacrifice their homes in order to pay for a material home, I think it is quite time for us to carry this furlough a little farther, and, in the case of such as adopt that sort of a subterfuge to stay on the pay roll, to separate them permanently from the pay roll.

Mr. REED. Mr. President, will the Senator yield to me for just an observation?

Mr. BRATTON. Yes.

Mr. REED. If it is reprehensible for them to do as I have suggested, then it is reprehensible for any traveling salesman to leave his home and go away to earn money. I can not see any ethical difference whatsoever between the two.

Mr. BRATTON. Mr. President, I have no desire to interject myself into the argument between the Senator from Pennsylvania and the Senator from Texas.

Mr. REED. So far as I am concerned, the argument is finished.

Mr. BRATTON. The Senator from Colorado asked me to yield to him, which I do.

Mr. COSTIGAN. Mr. President, bearing in mind that even in so-called normal times there is considerable unemployment, is the Senator from New Mexico prepared to urge upon the Senate the policy he is supporting with respect to married women as a permanent policy to be adopted by the Government?

Mr. BRATTON. Why does the Senator say "married women"? This provision does not single out married women. It says "married persons," and so is directed at the husband the same as the wife. The Senator, however, is doing what thousands of others have done. He assumes in his question that the provision is directed at married women.

Mr. COSTIGAN. Perhaps the assumption is based upon the fact that married women have expressed particular resentment over the provision.

Mr. BRATTON. Yes.

Mr. COSTIGAN. Modifying my question to meet the Senator's suggested amendment, may I ask whether he desires this sort of a policy to be adopted permanently toward married persons employed by the Government?

Mr. BRATTON. Yes, Mr. President. I think the unemployment situation is such that the Government should adopt the policy of giving a family only one pay check instead of two while another family with one breadwinner shall go without any income.

Mr. COSTIGAN. In view of that statement of the Senator I feel that he has very greatly weakened his advocacy of this provision.

Mr. BRATTON. Perhaps in the estimation of the able Senator from Colorado that is true; he asked me for my view, and I gave it to him. I think, too, Mr. President, that industry is fast coming to that viewpoint.

Why should not employment be spread on the widest possible scale among worthy people who desire it? If you have 15 persons able to perform Government service, 10 of whom are husband and wife, and you have only 10 available positions, is it not better to have 1 person from each of 10 families employed than to have both husband and wife from 5 of those families employed, and leave the other 5 without any employment whatsoever?

The Senator asked a question. I know he wants a frank answer, and I have endeavored to give it to him. I forecast that within the next 10 years the Government and industry alike will adopt that policy. The situation will compel it. We may not have enough employment to go around. If not, we shall have worthy people without employment. It seems to me that we must distribute employment on the very widest possible scale in order that its fruitage may be enjoyed equitably by the largest number possible.

Mr. JOHNSON. Mr. President, if the Senator has concluded that part of his argument, may I ask him a question or two about another section?

Mr. BRATTON. Yes.

Mr. JOHNSON. I ask it of the Senator because I know the care and the studiousness and the painstaking industry that he has devoted to this particular subject, and that his endeavor is to do whatever can best be done for the Government. I should like, however, because I have been called out of the Chamber, and I am not aware how far the discussion has progressed in that particular, to return to section 204.

Mr. BRATTON. Very well.

Mr. JOHNSON. Will the Senator state to me, first, what are the retirement ages?

Mr. BRATTON. I have not those data at hand.

Mr. JOHNSON. My recollection is—and I speak only from recollection—that the highest retirement age is 68.

Mr. McKELLAR. That is right.

Mr. JOHNSON. That is right, is it—and the lowest retirement age is 62. This provision makes retirement compulsory, does it not?

Mr. BRATTON. Yes.

Mr. JOHNSON. It not only makes retirement compulsory when that age shall have been reached but it provides further:

That no such person heretofore or hereafter separated from the service of the United States or the District of Columbia under any provision of law or regulation providing for such retirement on account of age shall be eligible again to appointment to any appointive office, position, or employment under the United States or the District of Columbia.

Is that a new provision entirely?

Mr. BRATTON. The thought in connection with that section was that when a person had reached the retirement age prescribed for automatic separation from the service applicable to such person he should be retired. In other words, when he arrived at the point where existing law said he should be automatically retired he should do just that thing and let some active person take his place. A majority of the conferees entertained that view, some did not.

Mr. JOHNSON. There is no provision of law to that effect that is compulsory in character at the present time, is there?

Mr. BRATTON. No; I think not.

Mr. JOHNSON. So, if the Senator will pardon me, this makes a crime of age. The most pathetic thing that God has given human creatures is age. It is the one thing in all the life of the human being for which neither man nor woman is responsible. So there is a provision in a bill here that when a man reaches the age of 62 or 66 or 68, as the case may be, that instant, no matter whether he is within one year of the retirement pension, out he goes upon the world. He goes out into the world, no matter how competent he may have been, no matter what service he may have performed. He goes, sir, solely because God has put upon him so many years; and there is nothing else he can do in life, and he never again can hold a position under the United States Government.

I will not argue necessities and the like. I just refer to the pathos and the cruelty of it. And not alone that, but I am not ready to admit yet that a man who has reached 62, or 66, or even 68, is useless and that he ought simply to be buried, and buried without honor, because he can not hold another position under the Government that is his of the character that is described.

If you want to see the demonstration of the fallacy of any such view, look at the Vice President, who presides over us to-day. Who could preside better or more fairly? Or who could preside in a fashion that so readily satisfies all impartial men upon this floor?

Look at the chairman of the great Committee on Finance, past the age of retirement long ago. Yet who questions his efficiency?

Look at the chairman of the Committee on Appropriations, who brings in this bill, long past the age of retirement as fixed here, and his ability, his industry, his worth to the Republic no man on this floor would question under any circumstances.

This is a cruelty I think unintended by the committee, a cruelty to which I will not subscribe here or elsewhere.

Mr. BRATTON. Mr. President, although the Senator from California, and the distinguished Presiding Officer, and the chairman of the Finance Committee, and the chairman of the Committee on Appropriations belong to the same political party, and march under the same political flag, the Senator from California is no more devoted to them than I am. I appreciate the force of his argument and join him in every word, particularly so far as those three distinguished persons are concerned.

Mr. JOHNSON. Yes, Mr. President; but will the Senator permit me to say that I use them merely as examples of this whole body?

Mr. BRATTON. So do I.

Mr. JOHNSON. I might refer to the gray-haired gentleman who sits on the back row, or the gray-haired gentleman who sits immediately in front of the speaker, and of the representative of the committee. I decline to admit that their efficiency has been impaired by years. I know it is greater than it has ever been in times gone by, and a fellow feeling makes me wondrous kind. I insist that my efficiency has grown with the years, and I decline to be put in the category of the superannuated who no longer can perform their official duty. I decline to put any human being on the face of the earth who has performed his work well and who is able to perform it well in that category. I decline, above all, to put him out on the street, penniless and hopeless, by his Government, tainted with the inability ever again to hold a position under that Government.

Mr. BRATTON. Mr. President, just one further word and I am through. There is much force in what the Senator from California says. The Senate conferees receded with a proviso to the effect that no person who has reached the retirement age should be continued in service except with the approval of the President. There is a great deal in what the Senator from California has said, and I am not out of sympathy with his viewpoint.

In this period there will be distress, there will be hardship, there will be inconvenience; burdens must be borne. That fact is regretted. I have the abiding belief that the men and women of this country will meet the situation, and will bear the burdens and the hardships in a way truly typical of their ancestors throughout a century and a half.

I shall conclude by repeating what I said at the outset. This bill is not perfect. It has a great many defects in it. Any bill that is brought here designed to achieve economy, with many aspects and many features to it, will have defects in it.

The Senate may send the bill back to conference, if it desires, though I hope that will not be done. If it is sent back, after some delay it will be returned here still bearing defects.

I regret that the chairman of the committee desires that it go back to conference. I prefer to have a vote on the conference report. If the Senate disapproves the work of

the conferees, let it say so by its vote. If the bill is sent back to conference, it will be incumbent upon the conferees to do the best they can with it; but I assert, in conclusion, that the original committee dealt with this measure at some length, then the conferees worked on it for a week, hour after hour, morning, noon, and evening. It was not hurriedly done. Every provision was discussed deliberately and considered at length. I dare say that a rejection of this conference report will render more in doubt whether we shall have an economy bill at this session of the Congress. Bear that in mind. With that final word, Mr. President, I close.

Mr. DALE. Mr. President, with all the force with which the Senator from California has brought before us the deplorable conditions that exist, where men are left at this age under the circumstances which he has outlined, still the vital question here is left out. When the retirement law was framed, and during the many years through which it has been developed, all that has been considered, it has all been taken into account, and it has been met, in so far as it can possibly be met, by the annuity which the man or the woman, the Government employee, gets when going out of the service. But under this bill such an employee loses that annuity. Under this bill 1,500 who, if they remain in the service to the end of the 15 years, would get the annuity, are absolutely cut off forever from every annuity, and not only do conditions as deplorable as the Senator from California outlined them exist, but those employees will have no annuity under this bill.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. DALE. I yield.

Mr. JOHNSON. I can not believe it to be possible; I am sure there must be some mistake in this regard, and if there is, I hope it will be corrected, but do I understand the Senator to say that it is a fact that if a man has paid his regular annuity charges up to within one year of his right to retirement, then to receive, if he is retired, the amount that the law permits—that if he has paid up to within one year—

Mr. DALE. Within one hour.

Mr. JOHNSON. Under this provision he is cut off, he is made ineligible ever to hold another Government job, and the United States Government is mean enough to keep the money he has paid in his yearly assessments? Is that what the Senator means?

Mr. DALE. If he serves 14 years and 364 days and goes out, he loses his annuity and can never get it.

Mr. JOHNSON. What becomes of what he has paid into the annuity fund?

Mr. DALE. He gets back a little, paltry sum of possibly four or five hundred dollars, if he served the full 15 years; he may get four or five hundred dollars of what he has paid in, but he gets no annuity.

Mr. JOHNSON. He loses that entirely?

Mr. DALE. He loses it, and he is never eligible to have it again.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. DALE. I yield.

Mr. KING. He not only receives all that was paid in, but he receives compound interest upon the same.

May I say to the Senator that while there may be apparently some harshness in this policy, we know that in many industries where they provide annuities or pensions for their employees who serve a certain number of years, if for any reason they do not serve the required time they receive no compensation when they retire nor do they receive annuities. Possibly they may receive back the payments which they have made, but certainly they do not receive pensions. So that the Government in this regard—and I am not defending it or condemning it—does not act differently from the way many private corporations do.

Mr. DALE. But the Senator is condoning it. Here is the condition. The Government entered into an agreement along this line, "If you work for me 15 years, and reach a retirement age which is fixed under the law, and if you give me 3½ per cent of your salary, when you come to that day

I will do so and so." That is the contract, the bond, the word of the Government. "I will let you work 15 years, and when you work 15 years"—and that is the law now—"I will do so-and-so by you." Then under this bill we would say, "All that is repudiated. You may have worked almost your 15 years, but you are going out. You have kept your part of the contract, but we are done; we are not going to keep ours."

Mr. KING. Mr. President, will the Senator yield to me?

Mr. DALE. I yield.

Mr. KING. If I understand the Senator's position—and if I interpret it correctly, and I hope I do him no injustice—it means this, that the Federal Government, if it had superimposed upon it, by pressure or otherwise, an unnecessary number of employees could never discharge them, could never have them separated from the service, would be compelled to keep them for an indefinite period of time, though they were rendering no service whatever which was required by the Government.

Mr. DALE. Mr. President, the Senator from Utah knows what the law is. There are provisions for transfer where one bureau has a surplus of employees. It is a vital element of the civil service that the Government can not discharge an employee excepting for cause, and when it discharges for cause, it is all provided for in the retirement act. There is no cause here excepting that "We do not want you any more."

Somebody has said that is taken care of by giving the President an option in the matter. Yes; the President can say, "If we want you to stay, we will let you stay. If we do not want you to stay, you can not stay." It does not give the employee any say. His rights under this agreement are all forgotten and repudiated.

Mr. JONES. Mr. President, I do not understand that the conditions of the retirement law are just as the Senator from Vermont states. I frankly concede, however, that I am not thoroughly familiar with that law. I know that the Senator has given it a great deal of study, and if he has misstated it, he has not intentionally done so. I rather think, however, that it is not as he represents it in some important particulars.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. JONES. I yield.

Mr. SMOOT. The Senator speaks of a discharge. There is no discharge in this bill. If the employee was discharged, of course, the law allows that for cause. There is no discharge. There is leave.

Mr. DALE. Then will the Senator explain this language in the bill?—

Sec. 204. On and after July 1, 1932, no person rendering civilian service in any branch or service of the United States Government or the municipal government of the District of Columbia who shall have reached the retirement age prescribed for automatic separation from the service, applicable to such person, shall be continued in such service, notwithstanding any provision of law or regulation to the contrary.

Mr. SMOOT. Yes; provided the employee has reached the age of retirement. All we are doing is to carry out the law. The law is now that if he has reached the age of retirement he shall be retired and paid his retirement pay, and that is what we are doing under this bill.

Mr. DALE. I am delighted that the Senator from Utah has said that, because I thought and I could not think otherwise than that that is just what he thought. But the Senator from Utah is mistaken.

Mr. SMOOT. No; the Senator from Utah is not mistaken.

Mr. DALE. The law at the present time relates to the employee who has served 15 years. If the words were added "who has reached retirement age and served 15 years," the Senator's statement would be wholly applicable, but leaving out the statement with reference to 15 years' service, the employee goes out without any retirement pay.

Mr. SMOOT. The Senator is wrong.

Mr. DALE. Does the Senator from Utah think that those who are retired under that provision get the retirement pay?

Mr. SMOOT. If they are 72 years of age and the law provides that they shall be retired. If they do retire and are 72 years of age, they will get whatever is provided for in the bill, which I hope will become the law.

Mr. DALE. What about the 15 years' service?

Mr. SMOOT. The 15 years' service has nothing to do with the person who has reached 72 years of age.

Mr. DALE. Oh, that is the vital thing.

Mr. SMOOT. That applies where a person began work perhaps when he was fifty-odd years of age. Then the 15-year provision applies. This provision applies to a person who is 72 years old. If he is 72 years old, under the law he is retired and does not lose a thing.

Mr. DALE. Mr. President, will the Senator from Washington permit me to read the law?

Mr. JONES. I think I have the law, and I think it will cover the matter.

Mr. DALE. Will the Senator read it?

Mr. JONES. Yes; I was about to do so. "Automatic separation," and that is what this refers to. It reads:

All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date.

Mr. DALE. "Having rendered 15 years of service." That is the point!

Mr. JONES. If they have been in the service 15 years and have reached retirement age, they will be retired; but I understand from the experts that under the practice of the departments and the policy that is pursued, they allow 3 or 4 or 5 or 6 or 7 or 8 months in order to make the matter come properly under the terms of the law.

Mr. DALE. That is what they have done, but it can not be done under the provisions of this bill.

Mr. JONES. Oh, I think so.

Mr. DALE. The bill is as plain as can be that hereafter they shall be discharged, having reached that age.

Mr. JONES. I can see, if there is any doubt about it, of course it should be corrected.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. KING. Is it not a fact, may I ask the Senator, that the major part of the trouble we are now having with the bill arises from the persistent efforts of a number of Senators to impose upon us the President's policy of the furlough, and having gotten the furlough plan into the bill, we have the House opposed to it and we are going to have a deadlock, and if the conference report is voted down we will probably have no bill at all?

Mr. JONES. If I thought that, of course I would not give my consent to another conference. I think it will only delay the matter two or three or four days. I hope we can iron out some of these differences. Personally I think most of the provisions are all right, but I recognize about as well as anybody the complex situation with which we have had to deal in connection with the various measures which we have tried to embody in the one bill. As I said, there are some things I would like to see corrected. The matter about which the Senator from Tennessee [Mr. McKellar] has proposed a resolution possibly can be corrected. There was a difference of opinion with reference to that item. A sufficient number agreed to comply with the rules of the conference in bringing the item to the Senate as it is. If we take it back to conference, I may have to yield again in order to get a good report to bring back to the Senate. Possibly some of these matters we can iron out and adjust in a much more satisfactory way.

Mr. COPELAND. Mr. President, let me ask the Senator about amendment numbered 46.

Mr. JONES. That is still in disagreement. A part of the conference report relates to the disagreement on that amendment. That, of course, will go back to conference if we disagree to the conference report.

Mr. COPELAND. Due to the fact that that is in disagreement, there would have to be a further conference anyway, would there not?

Mr. JONES. No; there would not. As I explained some little time ago, if the conference report is agreed to then amendment numbered 46 is still in disagreement, but the proposition comes here from the House, along with its notification of disagreement to the conference report, to agree to amendment numbered 46 with an amendment. That will be a matter upon which the Senate would vote if it adopts the conference report. Of course, if it rejects the report, then the whole matter will go back to conference.

Mr. COPELAND. It seems to me the Senator from Washington is correct. It should go back to conference if for no other reason than the difference relating to amendment numbered 46, which should be ironed out if possible. The provision relating to married persons, the old-age-retirement provision, and the provision relating to the Public Health Service, to which I referred, ought to be given further consideration.

Mr. JONES. Those are not involved in amendment numbered 46.

Mr. President, in the interest of time, and recognizing the force of the suggestions made by my colleague, who was a member of the conference committee and was also on the original committee, I am willing that the report should be rejected. He and I are in agreement upon most matters. I can imagine what the attitude of the House may be with reference to the matter, but in the interest of time, in the hope of possibly harmonizing some of the differences now existing, and in the hope of straightening out some of those provisions about which there is disagreement, I am perfectly willing that the report should be rejected and that we should have a new conference. I hope we can do that without any further delay.

Mr. ASHURST. Mr. President, I ask to print at this juncture in the Record a letter from the legislative representative of the Policemen's Association of the District of Columbia, together with some accompanying data. I ask the Senate conferees to read the letter to the other conferees when they have the bill before them.

Mr. JONES. Of course, I do not know what that is about. Is it about the leave-of-absence provision?

Mr. ASHURST. No; it relates to another subject.

The VICE PRESIDENT. Without objection, the request of the Senator from Arizona is granted.

The letter and accompanying data are as follows:

JUNE 24, 1932.

Hon. HENRY F. ASHURST,

United States Senate, Washington, D. C.

DEAR SENATOR ASHURST: In connection with the contemplated report of the Congress on H. R. 11361, or the District of Columbia appropriation act, it certainly should be borne in mind that privates in the Metropolitan police and fire departments, the lowest paid class of employees in these two services, have been already reduced in compensation to the extent of 8½ per cent by the so-called economy bill, or H. R. 11267, and if the provisions of these two bills are to remain as agreed to in conference, these lowest paid men will receive a double cut. They first are reduced 8½ per cent, then in another section they are denied the automatic increases rightfully due them by reason of having served the required time, but as all these increases would date as from July 1, 1933, they lose first \$100 per man each and then 8½ per cent of the remainder of their compensation.

There certainly should be some effort made on the floor of the Senate to correct this very plain injustice, and it is respectfully requested that you use your good offices in this matter.

With many thanks for your past assistance, I am,
Most respectfully,

Lieut. MILTON D. SMITH,
Legislative Representative Policemen's Association.
W. H. McGRATH, President.

METROPOLITAN POLICE DEPARTMENT

On page 55, line 10, after numerals \$3,092,964 and before the period, insert a comma and the following language:

"Provided, however, That the Commissioners of the District of Columbia may be empowered to continue making promotions of privates as provided in the acts of July 1, 1930 (46 Stat., p. 839) and April 13, 1928 (45 Stat., p. 429) but such promotions shall not carry with them the increases in pay provided for in the said acts."

Perhaps, if necessary, it may have to be worded negatively, such as:

"Provided, however, That the failure to appropriate the necessary funds shall not be construed to deny the Commissioners of the District of Columbia the authority to continue making promotions of privates as provided in the acts of July 1, 1930 (46 Stat., p. 839) and April 13, 1928 (45 Stat., p. 429) but such promotions shall not carry with them the increases in pay provided for in the said acts."

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was rejected.

Mr. JONES. Mr. President, I move that the Senate insist upon its amendments, ask a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. BROUSSARD, and Mr. BRATTON conferees on the part of the Senate.

The VICE PRESIDENT. The Chair desires to call the attention of the Senator from Washington to the amendment of the House to Senate amendment No. 46.

Mr. JONES. Yes; that should be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on amendment No. 46, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
June 20, 1932.

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 46 to the bill (H. R. 11267) entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," and concur therein with an amendment as follows:
In lieu of the matter proposed to be inserted by said Senate amendment No. 46 insert the following:

"TITLE I—FURLOUGH OF FEDERAL EMPLOYEES "FURLOUGH PROVISIONS

"Sec. 101. During the fiscal year ending June 30, 1933—

"(a) The days of work of a per diem officer or employee receiving compensation at a rate which is equivalent to more than \$1,000 per annum shall not exceed 5 in any one week, and the compensation for 5 days shall be ten-elevenths of that payable for a week's work of 5½ days: *Provided*, That nothing herein contained shall be construed as modifying the method of fixing the daily rate of compensation of per diem officers or employees as now authorized by law: *Provided further*, That where the nature of the duties of a per diem officer or employee render it advisable, the provisions of subsection (b) may be applied in lieu of the provisions of this subsection.

"(b) Each officer or employee receiving compensation on an annual basis at the rate of more than \$1,000 per annum shall be furloughed without compensation for one calendar month, or for such periods as shall in the aggregate be equivalent to one calendar month, for which latter purpose 24 working days (counting Saturday as one-half day) shall be considered as the equivalent of one calendar month: *Provided*, That where the nature of the duties of any such officer or employee render it advisable, the provisions of subsection (a) may be applied in lieu of the provisions of this subsection: *Provided further*, That no officer or employee shall, without his consent, be furloughed under this subsection for more than five days in any one calendar month: *Provided further*, That the rate of compensation of any employee furloughed under the provisions of this act shall not be reduced by reason of the action of any wage board during the fiscal year 1933.

"(c) If the application of the provisions of subsections (a) and (b) to any officer or employee would reduce his rate of compensation to less than \$1,000 per annum, such provisions shall be applied to him only to the extent necessary to reduce his rate of compensation to \$1,000 per annum.

"Sec. 102. No officer or employee shall be exempted from the provisions of subsections (a) and (b) of section 101, except in those cases where the public service requires that the position be continuously filled and a suitable substitute can not be provided, and then only when authorized or approved in writing by the President of the United States. The Director of the Bureau of the Budget shall report to Congress on the first Monday in December in 1932 and 1933 the exemptions made under this section divided according to salary, grade, and class.

"Sec. 103. All rights now conferred or authorized to be conferred by law upon any officer or employee to receive annual leave of absence with pay are hereby suspended during the fiscal year ending June 30, 1933.

"DEFINITIONS

"Sec. 104. When used in this title—

"(a) The terms 'officer' and 'employee' mean any person rendering services in or under any branch or service of the United States Government or the government of the District of Columbia, but do not include (1) officers whose compensation may not, under the Constitution, be diminished during their con-

tinuance in office; (2) Senators, Representatives in Congress, Delegates and Resident Commissioners; (3) officers and employees on the rolls of the Senate and House of Representatives; (4) carriers in the Rural Mail Delivery Service; (5) officers and members of the Police Department of the District of Columbia, of the Fire Department of the District of Columbia, of the United States park police in the District of Columbia, and of the White House police; (6) teachers in the public schools of the District of Columbia; (7) public officials and employees whose compensation is derived from assessments on banks and/or is not paid from the Federal Treasury; (8) the enlisted personnel of the Army, Navy, Coast Guard, and Marine Corps; (9) postmasters and postal employees of post offices of the first, second, and third classes whose salary or allowances are based on gross postal receipts, and postmasters of the fourth class; (10) any person in respect of any office, position, or employment the amount of compensation of which is expressly fixed by international agreement; and (11) any person in respect of any office, position, or employment the compensation of which is paid under the terms of any contract in effect on the date of the enactment of this act, if such compensation may not lawfully be reduced.

"(b) The term 'compensation' means any salary, pay, wage, allowance (except allowances for subsistence, quarters, heat, light, and travel), or other emolument paid for services rendered in any civilian or noncivilian office, position, or employment; and includes the retired pay of judges, and the retired pay of all commissioned and other personnel of the Coast and Geodetic Survey, the Lighthouse Service, and the Public Health Service, and the retired pay of all commissioned and other personnel (except enlisted) of the Army, Navy, Marine Corps, and Coast Guard; but does not include the active or retired pay of the enlisted personnel of the Army, Navy, Marine Corps, or Coast Guard; and does not include payments out of any retirement, disability, or relief fund made up wholly or in part of contributions of employees.

"(c) In the case of any office, position, or employment, the compensation for which is calculated on a piecework, hourly, or per diem basis, the rate of compensation per annum shall be held to be the total amount which would be payable for the regular working hours and on the basis of 307 working days, or the number of working days on the basis of which such compensation is calculated, whichever is the greater.

"COMPENSATION REDUCTIONS

"SEC. 105. During the fiscal year ending June 30, 1933—

"(a) The salaries of the Vice President and the Speaker of the House of Representatives are reduced by 15 per cent; and the salaries of Senators, Representatives in Congress, Delegates, and Resident Commissioners are reduced by 10 per cent.

"(b) The allowance for clerk hire of Representatives in Congress, Delegates, and Resident Commissioners is reduced by 8½ per cent, such reduced allowance to be apportioned by the Representative, Delegate, or Resident Commissioner among his clerks as he may determine, subject to the limitations of existing law, but the compensation of such clerks shall not be subject to reduction under subsection (c) of this section.

"(c) The rate of compensation of any person on the rolls of the Senate or of the House of Representatives (other than persons included within subsection (a)), if such compensation is at a rate of more than \$1,000 per annum, is reduced by 8½ per cent, except that if the rate of compensation is \$10,000 or more such rate shall be reduced by 10 per cent.

"(d) In the case of the following persons the rate of compensation is reduced as follows: If more than \$1,000 per annum but less than \$10,000 per annum, 8½ per cent; if \$10,000 per annum or more, but less than \$12,000 per annum, 10 per cent; if \$12,000 per annum or more, but less than \$15,000 per annum, 12 per cent; if \$15,000 per annum or more, but less than \$20,000 per annum, 15 per cent; if \$20,000 per annum or more, 20 per cent.

"(1) Persons exempted under section 102 from the provisions of subsections (a) and (b) of section 101;

"(2) Carriers in the rural mail delivery service, but in the case of such carriers the term 'compensation' does not include the allowance for equipment maintenance;

"(3) Officers and members of the police department of the District of Columbia, of the fire department of the District of Columbia, of the United States park police in the District of Columbia, and of the White House police;

"(4) Teachers in the public schools of the District of Columbia;

"(5) Postmasters and postal employees of post offices of the first, second, and third classes whose salaries or allowances are based on gross postal receipts, and postmasters of the fourth class;

"(6) Officers and employees (as defined in section 104 (a)) occupying positions the nature of the duties and periods of work of which make it impracticable to apply the provisions of subsections (a) and (b) of section 101;

"(7) Officers and employees (as defined in section 104 (a)), not otherwise provided for in this section, to whom the provisions of subsections (a) and (b) of section 101 do not apply.

"(e) Subsections (c) and (d) of this section shall not operate (1) so as to reduce any rate of compensation to less than \$1,000 per annum, or (2) so as to reduce the rate of compensation of any of the postmasters or postal employees provided for in paragraph (5) of subsection (d) of this section, to a rate which is less than 91½ per cent of his average rate of compensation during the calendar year 1931.

"RETIRED PAY

"SEC. 106. During the fiscal year ending June 30, 1933, the retired pay of all judges (except judges whose compensation may not, under the Constitution, be diminished during their continuance in office) and the retired pay of all commissioned and other personnel (except enlisted) of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, Lighthouse Service, and the Public Health Service shall be reduced as follows: If more than \$1,000 per annum but less than \$10,000 per annum, 8½ per cent; if \$10,000 per annum or more, but less than \$12,000, 10 per cent; if \$12,000 per annum or more, but less than \$15,000 per annum, 12 per cent; if \$15,000 per annum or more, but less than \$20,000, 15 per cent; if \$20,000 per annum or more, 20 per cent. This section shall not operate so as to reduce any rate of retired pay to less than \$1,000 per annum.

"SPECIAL SALARY REDUCTIONS

"SEC. 107. (a) During the fiscal year ending June 30, 1933—

"(1) The salary of each of the members of the International Joint Commission, United States section, shall be at the rate of \$5,000 per annum;

"(2) The salaries of the following officers shall be at the rate of \$10,000 per annum: Commissioners of the United States Shipping Board, members of the Federal Farm Board (except the Secretary of Agriculture), members of the Board of Mediation, commissioners of the Interstate Commerce Commission, commissioners of the United States Tariff Commission, the American commissioner of the General Claims Commission, United States and Mexico, and the umpire and American commissioner of the Mixed Claims Commission, United States and Germany;

"(3) No officer or employee of any of the boards or commissions enumerated in paragraph (1) or (2) shall (except as provided in paragraph (4)) receive salary at a rate in excess of \$10,000 per annum;

"(4) No officer or employee of the United States Shipping Board, the United States Shipping Board Merchant Fleet Corporation, or the Reconstruction Finance Corporation shall receive salary at a rate in excess of \$10,000 per annum, except that in the case of any position the salary of which at the date of the enactment of this act is at a rate in excess of \$12,500 per annum such salary may be at a rate not in excess of \$12,500 per annum; and

"(5) The salaries and retired pay of all judges (except judges whose compensation may not, under the Constitution, be diminished during their continuance in office), if such salaries or retired pay are at a rate exceeding \$10,000 per annum, shall be at the rate of \$10,000 per annum.

"(b) The furlough provisions and the compensation reductions contained in other sections of this title shall not apply to any office, position, or employment the salary or retired pay of which is reduced or fixed under the provisions of subsection (a) of this section.

"GOVERNMENT CORPORATIONS

"SEC. 108. In the case of a corporation the majority of the stock of which is owned by the United States, the holders of the stock on behalf of the United States, or such persons as represent the interest of the United States in such corporation, shall take such action as may be necessary to apply the provisions of sections 101, 102, 103, 105, and 107 to offices, positions, and employments under such corporation and to officers and employees thereof, with proper allowance for any reduction in compensation since December 31, 1931.

"REMITTANCES FROM CONSTITUTIONAL OFFICERS

"SEC. 109. In any case in which the application of the provisions of this title to any person would result in a diminution of compensation prohibited by the Constitution, the Secretary of the Treasury is authorized to accept from such person, and cover into the Treasury as miscellaneous receipts, remittance of such part of the compensation of such person as would not be paid to him if such diminution of compensation were not prohibited.

"APPROPRIATIONS IMPOUNDED

"SEC. 110. The appropriations or portions of appropriations expended by reason of the operation of this title shall not be used for any purpose but shall be impounded and returned to the Treasury.

"LIMITATION ON JURISDICTION OF COURTS

"SEC. 111. No court of the United States shall have jurisdiction of any suit against the United States or (unless brought by the United States) against any officer, agency, or instrumentality of the United States arising out of the application of any provision of this title, unless such suit involves the Constitution of the United States.

"RURAL CARRIERS' EQUIPMENT ALLOWANCE

"SEC. 112. During the fiscal year ending June 30, 1933, payments for equipment maintenance to carriers in the Rural Mail Delivery Service shall be seven-eighths of the amount now provided by law."

Mr. JONES. I move that the Senate disagree to the amendment of the House to the amendment of the Senate, insist on its amendment, ask a further conference with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. BROUSSARD, and Mr. BRATTON conferees on the part of the Senate.

INDEPENDENT OFFICES APPROPRIATIONS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 7233) to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands, to provide for the independence of the same, and for other purposes.

Mr. SMOOT. Mr. President, as I understand, it was agreed that appropriation bills might be taken up at any time. I therefore ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill (H. R. 10022) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1933, and for other purposes.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 10022) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1933, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. SMOOT. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be considered first.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Kendrick	Robinson, Ark.
Austin	Costigan	Keyes	Robinson, Ind.
Barbour	Couzens	King	Schall
Bingham	Dale	La Follette	Sheppard
Blaine	Fess	Lewis	Shortridge
Borah	Fletcher	McGill	Smoot
Bratton	Frazier	McKellar	Steiwer
Brookhart	George	McNary	Thomas, Idaho
Broussard	Hatfield	Metcalf	Thomas, Okla.
Bulow	Hawes	Moses	Townsend
Byrnes	Hayden	Norris	Trammell
Capper	Hebert	Nye	Vandenberg
Caraway	Howell	Oddie	Walcott
Carey	Johnson	Patterson	Watson
Connally	Jones	Pittman	White
Coolidge	Kean	Reed	

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present. The Secretary will state the first amendment.

The first amendment of the Committee on Appropriations was, under the subhead "Office of the President," on page 2, line 10, after the word "President," to strike out "\$96,180; in all, \$126,180" and insert "\$90,000; in all, \$120,000," so as to read:

Salaries: For Secretary to the President, \$10,000; two additional secretaries to the President at \$10,000 each; personal services in the office of the President, \$90,000; in all, \$120,000.

Mr. CONNALLY. Mr. President, will the Senator from Utah explain what activities are proposed to be eliminated by this amendment?

Mr. SMOOT. I will say to the Senator the committee thought that in the office of the President a reduction could be made just as in all other departments, and we made a reduction of \$6,180. They will have to get along with that much less money.

Mr. CONNALLY. It is a purely arbitrary cut?

Mr. SMOOT. It is an arbitrary cut.

Mr. CONNALLY. The Senator is not prepared to say just what functionaries of the White House will be lopped off?

Mr. SMOOT. I can not say, but we want them to save that amount of money.

Mr. CONNALLY. I congratulate the Senator.

AGRICULTURAL DEPARTMENT APPROPRIATION

Mr. McNARY. Mr. President, will the Senator from Utah yield to me so that I may present a motion in connection with the conference report on the agricultural appropriation bill?

Mr. SMOOT. I yield.

Mr. McNARY. I ask that the action of the House of Representatives on the agricultural appropriation bill may be laid before the Senate, and I desire to make a motion in connection with it.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives as to certain amendments still in disagreement on the House bill 7912, which was read:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,

June 21, 1932.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the bill (H. R. 7912) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933, and for other purposes," and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "\$9,678,762."

That the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment insert "\$12,283,622."

That the House recede from its disagreement to the amendment of the Senate numbered 30, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment insert "\$4,930,874."

That the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment insert "\$2,471,700."

That the House recede from its disagreement to the amendment of the Senate numbered 82, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment insert "\$175,671,665."

That the House further insist upon its disagreement to the amendment of the Senate numbered 77.

Mr. McNARY. Mr. President, all the disagreements relate to totals except the last one, on amendment numbered 77, which is the so-called grasshopper amendment. The Senate appropriated a sum of money for the eradication of grasshoppers infesting certain regions in the western section of the country. The House, upon a vote, disagreed to the amendment. I ask now that the Senate agree to a motion for a further conference, so that another attempt may be made to adjust the difference. I ask that the clerk read the motion which I offer.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

I move that the Senate agree to the House amendments to Senate amendments numbered 14, 15, 30, 56, and 82.

I move that the Senate still further insist upon its amendment numbered 77 and ask a still further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I yield.

Mr. NORRIS. Mr. President, several of the Senators who have been following this particular amendment are not present. I wish to ask the Senator from Oregon if there is anything else in controversy between the two Houses?

Mr. McNARY. No; nothing else at all.

Mr. NORRIS. The only item in dispute is the one involving the appropriation for the extermination of grasshoppers?

Mr. McNARY. That is exactly so, as I stated a moment ago.

Mr. NORRIS. And does the same condition prevail with respect to the joint resolution which the Senate passed on the same subject?

Mr. McNARY. Exactly.

Mr. NORRIS. What has happened that has caused that to be held up in the House?

Mr. McNARY. It has been held up in the House because that body disagrees to this item incorporated in the bill by the Senate, and I am asking for further consideration in the hope that the House will change its view.

Mr. NORRIS. Did not the House take a vote on the question?

Mr. McNARY. It took a vote and rejected it. I am asking for a further conference, as I have stated, in the hope that the House will recede from its position.

Mr. NORRIS. Does the Senator recall the vote on the roll call in the House?

Mr. McNARY. On the roll call, as I remember, there was a majority of some 50 votes against it.

Mr. NORRIS. There was not any possibility, as I take it, that the Senate conferees could reach an agreement with the House?

Mr. McNARY. The item will have to go back to the House for a vote, and it is the thought by those interested in the matter that probably the House will reverse its position on a further consideration of the item. So I am asking for a further conference, which is the usual course in matters of this kind.

Mr. NYE. Mr. President, if the Senator will yield, I should like to say, for the information of the Senator from Nebraska, that the vote in the House was determined, to a great extent, by a letter which had been written by the Secretary of Agriculture insisting that there was no longer need for this aid; that it was too late to give battle to the grasshoppers. Since that time the Secretary of Agriculture has written another letter revealing that he was in error in his first letter, and urging the appropriation. So it is hoped, in view of the second letter, that the House will give favorable consideration to the item.

Mr. NORRIS. Mr. President, I was familiar with everything that had been done in reference to this matter except the last letter of the Secretary, because I have been one of those in the Senate who informally have had several conferences with quite a large number of Members of the House as to this particular item. I realize what the Senator from Oregon is doing. I approve his course entirely and am not in any way finding fault with it, but it seems to me that a short discussion of this question may assist the conferees in securing an agreement.

A great many Members of both the Senate and House and a great many citizens all over the East and the South do not comprehend or understand what this particular appropriation really means. I am not finding fault with them, for they have never had any experience with the grasshopper pest. Some people look upon it as a joke. Those who live where grasshoppers are not a plague do not realize what it means. The immediate vicinity where I live in the West is not afflicted with this pest, and the appropriation will not be utilized there, although there are probably a couple of counties in the State of Nebraska and a large number of counties in South Dakota and some in some other States where the need is exceedingly great and where the situation is critical. I have been told by Members of the House that if they were to go home and tell their constituents they had voted Federal money to exterminate grasshoppers they would be laughed out of the country; they could not understand it; they would not know what it meant.

Those who have been through an experience of this kind realize that it is more or less local, but sometimes a large area is involved. One of the greatest afflictions that can come to an agricultural community is a grasshopper plague. In various sections of the West, where the soil is very fertile, crops have been utterly abandoned, because in the space of two or three days' time everything that was green, every

blade of grass, disappeared on account of a plague of grasshoppers.

There are two kinds of grasshoppers—I am not speaking from a scientific standpoint but in very general terms—one of which is the migratory grasshoppers, which come from localities more or less unknown; nobody really knows the origin of them; but they come in clouds so thick that one can not see the bright shining sun through them. They drop down upon an area perhaps as large as a county; and after they have eaten every living green thing, rise in the air and disappear. That has happened in different sections in years gone by, and crops in large areas have been destroyed. No one can foretell when something of that kind is going to happen; but I will say it very seldom happens.

The grasshoppers that do the damage are not what are called native grasshoppers; they are the other kind. The soil is filled with the eggs of these grasshoppers.

Because more or less of a lack of understanding, I think, of what it really means to large sections of the country, Members of Congress and the department were opposed to the appropriation. When the Senate was convinced, however, and put this item in the agricultural appropriation bill, it was rejected by the House. Afterwards, when that bill was held up, awaiting the economy program to proceed, the Senate passed a joint resolution for the purpose of relieving the conditions and eradicating this pest in South Dakota and northern Nebraska. It was thought then—and it was true—that expeditious action was necessary. It was known that the soil in those localities was filled with the grasshopper eggs, and that when they hatched out the grasshoppers would eat everything green in the vicinity. When the matter finally came before the House I think it is safe to say that the House was moved to a rejection of the item by a letter from the Secretary of Agriculture, which I think was written probably in the best faith, stating that it was too late then to take action. Now, there is still an opportunity to save a large area of country if this appropriation shall be provided and expeditious methods shall be employed by the department in acting under it.

I wanted to say this much so that it would be in the Record, and possibly aid the conferees somewhat when they come to consider this matter again.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. I am not, of course, familiar with the grasshopper plague; I know what grasshoppers are, but they have never been a plague in the section of the country from which I come. I wish to ask the Senator can the Government or can anyone do very much to stamp out this pest after it has started its depredations; after the grasshoppers begin coming, can they be stopped?

Mr. NORRIS. I do not think a method has ever been devised that will completely exterminate them. The Agricultural Department, through its scientific bureaus, has been working on the problem for a good while.

Mr. McKELLAR. I know that we have spent a good deal of money on it, and it was properly spent, I presume; I am not saying that it was not.

Mr. NORRIS. It is like the boll weevil; the pest has never been, in my judgment, completely mastered.

Mr. McKELLAR. It has not been mastered, although appropriations have been made for the purpose for a good many years, as I see from the Record.

There is another question I should like to ask the Senator. Two or three weeks ago, I think it was, I saw in the newspapers that there had been a snowstorm in the section of the West where the grasshoppers are a plague, and it was stated, as I recall, that that snowstorm was more effective in stamping out grasshoppers than any other possible method of extermination. I should like to know what the Senator has to say about that. I am not familiar with the subject, but perhaps the Senator can explain about that.

Mr. NORRIS. Mr. President, in freezing weather when the grasshoppers first hatch, when they are small, a snow-

storm will destroy them; and while the snowstorm to which the Senator refers did a great deal of good, it was much more local than the grasshopper plague; it did not cover the whole area. However, when grasshoppers are fully grown I understand cold weather will not injure them. They will freeze, then thaw out again, and be as good as ever when they thaw out.

Mr. FLETCHER. Mr. President, an Associated Press dispatch which I saw in the morning paper carried a statement about Manitoba, where the account indicated that some 20 miles of railroad were closed down or interfered with; that they could not even operate trains on this track for some 20 miles on account of grasshoppers. They had to use sand in order to move the trains at all. I wonder if that is the same matter.

Mr. NORRIS. I am glad the Senator called attention to that, because most people, when they read that account in the newspapers, will say, "Why, that is all phantom. It is all buncombe. There is nothing to it. It is just a joke that somebody has written."

Of course, I do not know about the particular article in question. I did not happen to read it; but I do know that it is an actual fact that trains have been stopped on account of the grasshopper plague, and I have talked with the engineers who operated the trains.

Most people would think it is a fairy tale; but in the instances with which I am familiar, here is what happened: Take a cool morning, for instance, when the sun is shining brightly and warms up the country; and, as everybody knows, the rails would be in the sun, and would become warm. The grasshoppers would cover the rails, and the wheels running over them would mash the grasshoppers; and if you are going up a grade, it has the same effect as though you had greased the rails.

Mr. ASHURST. Or soaped the track.

Mr. NORRIS. Or as if you had soaped the track, as the Senator says; yes. They would be unable to carry even an empty car up an ordinary grade.

Mr. NYE. Mr. President, I do not want to interrupt the thought of the Senator from Nebraska more than to suggest that since the House has taken action to-day looking to adjournment, when they do adjourn to-day, until Monday, it has been the hope that this report could be acted upon by the Senate to-day, and reported back to the House this afternoon.

Mr. NORRIS. I understand that the House has adjourned.

Mr. NYE. That it has adjourned until Monday?

Mr. NORRIS. That announcement was made here by the Senator from Arkansas.

Mr. NYE. I am very sorry to hear that, if that is the case, because then no action can be taken before Monday.

Mr. KING. Mr. President, will the Senator from North Dakota yield?

Mr. NYE. I am glad to yield to the Senator from Utah.

Mr. KING. A few weeks ago, after we had passed the bill, I saw a number of reports, some of them emanating from South Dakota and some from Minneapolis, that a very heavy snowstorm, accompanied by intense freezing, had occurred in that vicinity, the result of which was that an appropriation for grasshopper extermination was not required; and it was said that it would have the farmers there millions of dollars. Was that report inaccurate?

Mr. NYE. Mr. President, to some extent that report was true; and Heaven alone knows what the result might have been had it not been for the snowstorm.

It was my privilege, however, on last Saturday and last Sunday to visit sections of my own State; and it was not necessary to inquire what the grasshoppers that had not been destroyed by the snowstorms in that section were doing to damage the crops at that time. One farmer—and he was only one of many—revealed how, during the last three days, the grasshoppers had destroyed a wonderfully fine crop, covering 60 or 70 acres of ground; and there is a very thorough conviction that this appropriation, if made avail-

able now, can be used very profitably to check the damage which is in prospect if we take no action at all.

I hope the Senate will insist thoroughly upon its amendment to the appropriation bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints as conferees on the part of the Senate the Senator from Oregon [Mr. McNARY], the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. KEYES], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Arizona [Mr. HAYDEN].

INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 10022) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1933, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 2, at the end of line 22, to strike out "\$43,500" and insert "\$35,000," so as to read:

Contingent expenses: For contingent expenses of the executive office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, special services, and miscellaneous items, to be expended in the discretion of the President, \$35,000.

The amendment was agreed to.

The next amendment was, on page 2, line 23, to reduce the appropriation for printing and binding for the Executive office from \$2,700 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 3, at the end of line 2, to strike out "\$25,000" and insert "\$20,000," so as to read:

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$20,000.

The amendment was agreed to.

The next amendment was, under the subhead "Executive Mansion and grounds," on page 3, at the end of line 10, to strike out "\$142,000" and insert "\$125,000," so as to read:

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures of the Executive Mansion, the Executive Mansion greenhouses, including reconstruction, and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other act, \$125,000.

The amendment was agreed to.

The next amendment was, on page 3, line 12, to reduce the total appropriation for the Executive Office from \$429,389 to \$392,000.

Mr. NORRIS. Mr. President, I will say to the Senator from Utah that there is going to be, as I understand, considerable debate on some provisions of this bill. I want to discuss them at some length. I dislike very much to be required to start to-day.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. SMOOT. I think I know what the Senator has in mind. He is referring to the amendment regarding the Interstate Commerce Commission.

Mr. NORRIS. Principally the Interstate Commerce Commission and the Federal Trade Commission; both.

Mr. SMOOT. Yes; both of them. Whenever there is an item that the Senator wants to have go over, I suggest that he ask to have it go over, and let us finish the bill with the exception of those items.

Mr. NORRIS. I want to do that. That was my object in calling the Senator's attention now to what probably will take place, I think, regarding those two particular commissions. So far as I know, that is all.

Mr. SMOOT. I think those are the only ones. They are the only ones that I know about.

Mr. NORRIS. Would the Senator be willing that the appropriations in regard to those two particular commissions should go over, and devote the balance of the afternoon to the remaining portions of the bill?

Mr. SMOOT. Mr. President, I do not know how long it will take. I do not think the others will take very much time.

Mr. NORRIS. I will say to the Senator that it may be that somebody else will be prepared to go ahead who wants to debate them; and, if so, I have no objection.

Mr. SMOOT. We will see.

Mr. NORRIS. Personally, while I could go ahead, I dislike to do it, because I could not finish to-night; so I would rather say to-morrow what I have to say.

Mr. SMOOT. Let us proceed with the amendments, Mr. President; and when we come to an amendment which the Senator from Nebraska desires to discuss, I will ask him to mention the fact that he is opposed to it, and it can be passed over.

The VICE PRESIDENT. Does the Senator ask that the pending amendment be passed over?

Mr. NORRIS. No.

Mr. MOSES. What is the pending amendment?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 12, it is proposed to strike out "\$429,380" and insert "\$392,000."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Independent establishments," on page 3, after line 13, to strike out:

ALIEN PROPERTY CUSTODIAN

Funds available to the office of the Alien Property Custodian for administrative expenses in the District of Columbia shall not be used for the purchase, maintenance, operation, and/or repair of any passenger automobile.

Mr. MOSES. Mr. President, may I ask the Senator in charge of the bill the reason for this particular amendment?

The Senator himself will remember a more or less heated argument which he and I had in the subcommittee with reference to automobiles for executive departments, not for any of these bureaus, and especially for a bureau which is supposed gradually to be petering out. I observe, on looking through the bill, that no other of these bureaus that I can find, except the General Accounting Office, is provided with passenger-carrying motor-driven vehicles. Just what is the reason for this?

Mr. SMOOT. The Senator refers to the striking out of the automobile for the Alien Property Custodian?

Mr. MOSES. The amendment does not strike it out. It provides that he shall have one. What is the idea?

Mr. SMOOT. We struck it out, Mr. President.

Mr. MOSES. No, no; you did not.

Mr. SMOOT. Oh, yes!

Mr. MOSES. Oh, no! The language of the House bill is that the funds shall not be used for this purpose, and the committee strikes out that provision. In other words, the result is that he may use the fund for an automobile.

I have no objection to the Alien Property Custodian having an automobile. He is a former colleague of ours, and a very excellent gentleman; but I want to know why that prohibition is stricken out here, and none of the other bureaus carried in this measure is extended similar favoritism.

Mr. KING. Mr. President, will the Senator yield?

Mr. MOSES. Yes.

Mr. KING. I think the Alien Property Custodian's position should be abolished. When it was created, there was an understanding that it should last for one year; but years have gone by, and this organization, like all organizations that are Federal in character, has become immortal.

Mr. MOSES. It is gradually wearing out; there is no question about that; but what I want to know from the colleague of the Senator from Utah who is now addressing me is why this particular bureau is treated with this favoritism and the other bureaus are not?

I would not ask this question, Mr. President, but for the fact that the senior Senator from Utah [Mr. Smoot] and I have had more or less conversation of a hectic nature in the committee room with reference to automobiles for the executive departments.

Mr. SMOOT. Mr. President, this does not come out of public money at all. It is money of their own; and we thought we would not say to them that they could not use that money for automobiles.

Mr. MOSES. It is not public money in the sense that it does not come out of the Treasury of the United States, but it is money which we hold in trust.

Mr. KING. Exactly.

Mr. MOSES. We hold it in trust for certain aliens, and that trust money is to be used here. I do not quite see the reason for it. At this stage of a session, with a bill proceeding as this one is under an agreement where we are to take up supposedly noncontroversial items, I am perfectly well aware that nothing I can say here will have any ultimate effect upon what is done with reference to the measure; but I do want the Senate to know the reason.

The Senator now says this is not public money. No; it is money belonging to some ward of ours—money which we hold in trust.

Mr. McKELLAR. Mr. President, I want to appeal to the Senator from Utah to permit this amendment to be rejected. I think the Senator from New Hampshire is entirely right, and that we ought to treat all these officers in the same way.

The Alien Property Custodian is a good friend of mine. I like him very much, but I think he ought not to be treated differently from the others in this bill, so I ask the Senator from Utah to accede to the rejection of the amendment.

Mr. MOSES. Mr. President, if I may go on a little farther in comment—if we go through this bill we will find that the Senate committee has put in an amendment providing that there may be a passenger-carrying vehicle for the General Accounting Office. That is an office where they have to be going back and forth from the various executive departments and bureaus to the General Accounting Office. I can understand that there is a very good reason there why, in the interest of the conduct of the public business, that should be done; but this amendment I can not understand, unless it is intended to take the money belonging to some one of our wards in order to maintain an automobile for the chief of an independent bureau which has been gradually wearing out.

Mr. SMOOT. Mr. President, as far as I am personally concerned, I am willing that the amendment shall be rejected.

Mr. McKELLAR. Let us vote on it, then, and reject it.

Mr. SMOOT. They have had an automobile for a long time, and they urged us to permit it to be continued because of the fact that it was not paid for out of public funds. I do not care, however. As far as I am concerned, the amendment may be rejected.

Mr. MOSES. Very well. If the Senator in charge of the bill is now about to ask that the Senate reject this amendment, I hope that suggestion of his will be followed; and I withdraw anything I may have said which could be looked upon in any sense as an implication of criticism of him.

Mr. ROBINSON of Arkansas. Mr. President, of course every lawyer understands that a trust fund must be handled with extreme care, and that unnecessary expenditures can not be made by the trustee without violating the spirit of the trust. If, therefore, we apply to Government funds a provision that automobiles shall not be purchased or repaired from them, we ought not to apply a different rule to a trust fund.

Mr. NORRIS. Mr. President, I should like to say a word or two on this question.

I do not claim to have sufficient information to express an opinion as to whether the Alien Property Custodian, in his official capacity, ought to have an automobile or not. If he should have, in the transaction of his official business, he ought, of course, to be allowed to have one. Without knowing anything about it except general knowledge of what his office is for, and what he does, I am unable to see anything that comes before him in an official way that makes it necessary for him to have an automobile. That being true, he ought not to have one at the expense of the ward whose money he handles any more than he ought to have it if he is an official of the Government of the United States.

To my mind, we ought to be more careful with this money than if it were our own money. If it were our own money, to a great extent being responsible to our own people, we would have a greater liberty, it seems to me, in all good conscience, in handling it as we pleased. But it is not our money, and the chairman of the committee says to the Senate that the reason given for putting this provision in is that it is not our money anyway, it is trustee money, and therefore we will let them have this extra amount to buy automobiles.

Mr. SMOOT. The same fund he has had in the past.

Mr. NORRIS. In other words, they have been doing it in the past with this trust money, so why not continue in our sinful way? The day of salvation has come. The crisis has reminded us that if we have not had religion before, we ought to get it now.

To my mind, Mr. President, unless there is justification for it—and, as I said before, I am not prepared to deny that there is need of it, I am willing to be shown—unless it can be shown, it seems to me that we ought to guard these funds with more jealous care than the property of the United States.

Our custodian is in charge of money and property which does not belong to us, and we ought to handle them so that in the future no one from any part of the world—and some of this money belongs to people in various countries across the water—could point a finger at the American Government and say, "You squandered our money while we were helpless, and while you held it as a trust fund."

So that instead of it being an argument that it is somebody else's money, and that therefore we do not need to be very careful with it, it seems to me the real logic of the situation is just the reverse, and unless it can be shown that in his official capacity the Alien Property Custodian needs these automobiles, we ought to reject this amendment. The amendment strikes out what the House inserted—a provision making it unlawful to use any of these funds for the purpose of buying automobiles.

I suppose every Member of the Senate knows who the custodian is, a former Member of this body, a man who served here for one term, at least, and I believe that everybody who had any acquaintance with him recognized him as one of the finest Members of the Senate. So there is nothing personal in this, as far as I am concerned. But we should not permit ourselves to use these trust funds, even though they go to some one who is probably a personal friend of almost every Member of the Senate.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. KING. Does not the Senator believe that a practice has grown up, sanctified by years, unfortunately, of furnishing automobiles to a large number of employees and officials who should not have them?

Mr. NORRIS. I have no doubt of it.

Mr. KING. The Speaker of the House of Representatives, the Hon. JOHN GARNER, set a very admirable example. If I had my way, instead of furnishing automobiles for the Secretaries and Sergeants at Arms, and hundreds of officials of the Government, I would adopt some measure that would prevent that. Why should they have automobiles? Senators are not furnished automobiles by the Government. They have to visit the departments, they have important responsibilities resting upon them, and other officials of the Government are not furnished automobiles whose labors,

perhaps, are as important as those of hundreds, if not thousands, of officials who do have automobiles. Wherever you go in this city, and in others, you find automobiles furnished by the Government marked "U. S. A." or "Official Car," and we know that hundreds and hundreds of those should not be used.

Mr. NORRIS. Mr. President, I agree with the Senator, although I am not able to say whether this automobile or that automobile ought to be furnished by the Government or not, because I do not have sufficient information in regard to the matter. But I have very often had my attention called to incidents where automobiles were wrecked two or three hundred miles away from Washington, automobiles which came from Washington, and they were official automobiles.

Mr. ROBINSON of Arkansas. On official business?

Mr. NORRIS. The business was entirely one of sightseeing, where the official was not there himself, but some member of his family, perhaps, was on a sightseeing tour, a perfectly legitimate thing. I am not objecting to that, but they ought to have gone in their own automobiles. The highest-price automobile known would be wrecked, and the next day the department would get a new one from the funds of the United States. If you would banish the social functions of many of our officials, you would banish with it the necessity of a lot of automobiles and chauffeurs paid for by the Government.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. When the Senator's own President sets the example by having, I believe, nine automobiles, can the Senator wonder that those under him want as many as they can get?

Mr. NORRIS. No; I do not wonder.

Mr. SMOOT. Mr. President, there is no appropriation to pay for nine automobiles for the President of the United States, and I want to say that this is the first year that the Committee on Appropriations have had special legislation affecting automobiles. On page 56, section 3 reads as follows:

Sec. 3. No part of any money appropriated by this act shall be used for purchasing any motor-propelled passenger-carrying vehicle (except busses, station wagons, and ambulances) at a cost, completely equipped for operation, in excess of \$750, except where, in the judgment of the heads of the sundry executive boards, commissions, and offices, provided for herein, special requirements can not thus be efficiently met, such exceptions, however, to be limited to not to exceed 10 per cent of the total expenditures for such motor vehicles purchased during the fiscal year—

Again, in the House text it is provided:

including the value of a vehicle exchanged where exchange is involved; nor shall any money appropriated herein be used for maintaining, driving, or operating any Government-owned, motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only when the same is approved by the head of the department.

In no other appropriation bill has that language been used until this year.

Mr. NORRIS. This is the first?

Mr. SMOOT. This is the first.

Mr. NORRIS. I was thinking it was an old law, but I was going to say to the Senator that that is violated a thousand times every day in the city of Washington.

Mr. SMOOT. I should not wonder.

Mr. NORRIS. I would not want to go as far as does the language the Senator has read. I do not think we ought to be stingy about the matter. I have no objection to the head of a department having an official automobile. I do not care if he is taken to his home and brought back to his office in it, which that language would prevent. I have no objection to the President having all the automobiles he may need, and going to Rapidan, or to any other fishing resort, and enjoying himself, and paying for it from Government funds.

There is an item in this bill of \$35,000—and it seems as it passed the House it was \$43,500—to be expended in the

discretion of the President, which he could use if he wanted to, every cent of it, for automobiles.

Mr. SMOOT. That is for personal services.

Mr. NORRIS. It reads:

Contingent expenses: For contingent expenses of the Executive Office, including stationery, record books, telegrams, telephones, books for library, furniture, and carpets for offices, automobiles, expenses of garage, including labor, special services, and miscellaneous items, to be expended in the discretion of the President, \$35,000.

I am not objecting to the item. I do not have sufficient knowledge to know but that that is a very modest appropriation, but I am calling the attention of the Senators to the fact that the President could, if he desired, spend every penny of that for automobiles.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, under the heading "American Battle Monuments Commission," on page 4, line 14, after the word "of," to strike out "\$8" and insert "\$7"; in line 16, after the word "exceeding," to strike out "\$7" and insert "\$6"; and on page 5, line 2, after the word "periodicals," to strike out "\$400,000" and insert "\$200,000," so as to read:

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the act entitled "An act for the creation of an American Battle Monument Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes," approved March 4, 1923 (U. S. C., title 36, secs. 121-133), including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said act without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (U. S. C., title 34, sec. 520; title 40, sec. 255); the maintenance of memorials erected by the commission until the Secretary of War is advised of their completion and assumes their maintenance; employment of personal services in the District of Columbia and elsewhere; the transportation of, mileage of, reimbursement of actual travel expenses or per diem in lieu thereof to the personnel engaged upon the work of the commission; the reimbursement of actual travel expenses (not exceeding an average of \$7 per day for subsistence) or per diem in lieu thereof (not exceeding \$6 per day) to, and the transportation of the members of the commission, while engaged upon the work of the commission; the establishment of offices and the rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers, and periodicals, \$200,000, to be immediately available and to remain available until expended.

Mr. REED. Mr. President, I would like to ask the Senator from Utah upon what theory that cut was made. It seems to be the most severe cut made in any item in the bill.

Mr. SMOOT. No; there are other items cut as deeply as this.

Mr. REED. This is cut 50 per cent. Has the committee cut any others that much?

Mr. SMOOT. Yes; more than that.

Mr. REED. Why was this cut of 50 per cent made?

Mr. SMOOT. Because it was thought that under the circumstances \$200,000 was ample for the purchase of maps, textbooks, newspapers, and periodicals.

Mr. REED. If that is what the committee had in mind, I agree with them that \$200,000 is sufficient for the purchase of maps, textbooks, newspapers, and periodicals; but the trouble is that this commission is also engaged in building a very large number of monuments and chapels in the military cemeteries in France. It is engaged in the care and reconstruction of cemeteries in which American soldiers who died during the World War are buried in France and Belgium and England, and so the \$200,000 covers a good deal more than the purchase of maps and newspapers and periodicals.

Mr. McKELLAR. Mr. President, if the Senator will yield, I think all of the things the Senator has just mentioned are really to be provided for under the proviso beginning on line 3, page 5.

That the commission may incur obligations and enter into contracts for building materials and supplies and for construction work, which, inclusive of the amount herein and heretofore made available, shall not exceed a total of \$4,500,000.

I think the \$400,000 was particularly for the purposes set out from about line 17 on page 4 to line 2 on page 5. It was believed by the committee that \$200,000 would purchase all those supplies at this time, in view of the tremendous decrease in the prices of materials of all kinds.

Mr. REED. Mr. President, if the Senator will bear with me, I am a member of that commission, and I know what the work is. The maximum of \$4,500,000 has practically all been contracted for. I hope that every Member of the Senate will see what has been done. The American military cemeteries abroad are more beautiful than the cemeteries of any of the other nations. The British are very fine, but I think that ours are even better. I believe the American people will be very proud of what has been done there. We have something over 30,000 graves in eight different cemeteries, and within this program of four and a half million we have built a chapel in each of the cemeteries, we have built walls around the cemeteries, we have arranged, through the quartermaster's office, for the marble crosses which mark the graves in the cemeteries, we have built all of the monuments upon the battlefields—and they are superb monuments—and the commission is finishing its work. This \$400,000, or practically all of it, is needed to pay for work that is now under way.

We had before this same authority to make our program and to let our contracts. The commission began its work nine years ago. It is finishing this year. We are going to set an illustrious example to all of the other commissions of this Government by asking to be disbanded and discharged and the commission abolished in about another year. We are just finishing up our program.

When I saw about the action of the committee in cutting this item in half I sent a cablegram to General Pershing, who is chairman of the commission and is now in Paris, and this is his answer:

By postponement of dedications—

That is, the dedication ceremonies at these great monuments, like that at Chateau-Thierry, and Montfaucon, and St. Mihiel. We had arranged with the President of France to be present and to take part in the dedications, and it was all to be done with great dignity. But in view of the depression we did not think it was right to spend one penny of the taxpayers' money for ceremonies, so we have cut them out. I come back to the cablegram now:

By postponement of dedications, of travel of the commission—

That is, all of us except General Pershing are going to stay right here in this country. We get no junket out of it and never have had one except one single inspection trip in 1924. Every one of us has gone at his own expense in the years since then—

By postponement of dedications, of travel of the commission, and miscellaneous projects, the commission can accept appropriation two hundred seventy-five thousand, provided additional one hundred twenty-five thousand is available next fiscal year. Appropriation of two hundred thousand would require stopping construction work already started.

Practically everything is finished, I may say to the Senate, except the great monument at Montfaucon, which is not quite finished. We had great trouble with the foundation. We found that holes had been tunneled through by the owners in the Middle Ages until it was just a honeycomb of subterranean chambers, and the foundations consequently had to go down very deep. That delayed the monument. If we do not get the \$275,000 to finish the contracts, we are exposing ourselves to suits at the hands of French contractors who are doing the work, and Heaven help any American who gets sued in France by a Frenchman.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER (Mr. HEBERT in the Chair). Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. REED. I yield.

Mr. NORRIS. I am very much interested in what the Senator has said, but I want to ask him if the difficulty he speaks of is not taken care of by the proviso.

Mr. REED. No; because we can not pay the contractors with a proviso. We have to have the cash to pay them on the contracts to which we are already committed.

Mr. NORRIS. The \$200,000 is not to be used for that purpose, is it?

Mr. REED. Oh, yes; for every expenditure in connection with the work of the commission.

Mr. NORRIS. From my hurried reading of the language I doubt very much whether the Senator's commission would be authorized to use the money for the purposes about which he has been speaking.

Mr. REED. On page 3, line 20, the language is "for every expenditure, * * * including the acquisition of land," which is the same language under which we have been working for nine years, and under which we have already cleaned up about \$4,100,000 worth of the program. We are just at the end of it. That proviso is almost meaningless now because the program is practically completed.

Mr. NORRIS. If the Senator's view is the correct one, then it seems to me that unless the commission wanted to go beyond what the Senator says they intend to do, the proviso would not amount to anything.

Mr. REED. All that is left is the finishing of the Mont-faucon monument and the approaches to it.

Mr. NORRIS. The contracts have been made?

Mr. REED. Yes; most of them.

Mr. NORRIS. The proviso provides that the commission may "incur obligations and enter into contracts for building materials and supplies and for construction work which, inclusive of the amount herein and heretofore made available, shall not exceed a total of \$4,500,000." If the commission has no intention of doing anything of that kind and work like that has been completed, that language ought to be stricken out.

Mr. REED. No; because we still have the approaches to clean up.

Mr. NORRIS. But the commission does not have to have such a broad limitation as \$4,500,000.

Mr. REED. The amount already expended and made available totals now over \$4,000,000, so the permission given us is very limited.

Mr. NORRIS. We have done that under a prior law, and we are now passing a new law. If this is passed then, the commission could go ahead and, in addition to that, authorize contracts that would amount to \$4,500,000.

Mr. REED. Oh, no. If the Senator will look at line 6, page 5, he will see that the \$4,500,000 is "inclusive of the amounts herein and heretofore made available," and that totals more than \$4,000,000; so the real latitude given us is very considerably less than \$500,000.

Mr. NORRIS. Then what is the use of providing to cover contracts that have already been made?

Mr. REED. It holds us down to the program we were set to accomplish in the beginning.

Mr. NORRIS. The commission would be held down to that anyway. They would be held down to the law under which they are acting now.

Mr. REED. The law under which we were organized set no limit. We established this program and have struggled to keep within it. This proviso ought to stay in the bill in order to compel us to stay within it.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED. I yield.

Mr. McKELLAR. How much money has the commission remaining out of the \$4,500,000?

Mr. REED. It has not any.

Mr. McKELLAR. Is the \$200,000 the only money the commission will have after July 1?

Mr. REED. That is all we will have to work on during the coming year. It ought to be \$275,000.

Mr. McKELLAR. Will the Senator look over the purposes beginning on page 4 and down to line 2 on page 5? He will

see that the \$200,000 will be sufficient to meet all of those expenses—that is:

Employment of personal services in the District of Columbia and elsewhere; the transportation of, mileage of, reimbursement of actual travel expenses or per diem in lieu thereof to the personnel engaged upon the work of the commission; the reimbursement of actual travel expenses * * * or per diem in lieu thereof * * * to, and the transportation of the members of the commission, while engaged upon the work of the commission; the establishment of offices and the rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers, and periodicals.

That was peculiarly applicable to the \$200,000 as the Appropriations Committee understood, and it was believed by the committee, from the information it received from somebody who appeared before us, that the \$200,000 would apply to that and that the commission has a right to obligate the remaining portion not yet obligated of the \$4,500,000.

Mr. REED. I am sorry the committee got a misunderstanding. It arises from the fact that so much of the language has been continued from year to year.

Mr. McKELLAR. That is a habit of Congress which ought to be discontinued.

Mr. REED. I agree with the Senator about that. Here is the situation. All of the provisions about travel and mileage and buying automobiles and all that sort of thing are trivial in the extreme. I can assure the Senate that we are not going to buy another automobile. It would be foolish to do it. We want to wind up and clear out within the next 12 months. We are going to ask the President to accept our resignations and ask Congress to repeal the act creating the commission. We do not want to wither away. We want to go out with a crash.

Mr. NORRIS. I have been reading over the language carefully in the last few moments. I first had the same idea the Senator from Tennessee has, but I think anyone who will read the language carefully, commencing with line 20 on page 3, over to line 21 on page 5, and particularly up to and including the word "expended," in line 3, on page 5, will have to agree that the Senator from Pennsylvania is right in his construction. The \$200,000 applies to every expenditure provided for in the phraseology from line 20, on page 3, to the word "expended" in line 3, on page 5.

Mr. McKELLAR. That is just what I said a moment ago.

Mr. NORRIS. No; the Senator has not the idea. He thought the \$200,000 applied to the things he mentioned, which commence in line 18, page 4, but it has the same application to every one of those activities that it does to the others.

Mr. McKELLAR. Oh, I think so.

Mr. NORRIS. That being true, then the only money that the commission can use is the \$200,000, just as the Senator from Pennsylvania said a while ago, and that applies to all of the activities of the commission.

Mr. SMOOT. That is the way the committee understood it.

Mr. NORRIS. Then there was no misunderstanding.

Mr. McKELLAR. What else is there to be done by the commission over there now?

Mr. REED. We have the final payments to make upon the pending contracts with the French contractors.

Mr. McKELLAR. Does the Senator remember how much they are?

Mr. REED. All the contracts already awarded amount to about \$250,000.

Mr. McKELLAR. That is the only expense to which the commission will be put?

Mr. REED. Naturally General Pershing, in France, and the secretary of the commission, Major Price, in France, and the Engineer officers who supervise the building contracts, have to have their expenses paid. The Army pays their salaries. We are under no expense for salaries and we merely bear their traveling expenses.

Mr. McKELLAR. That applies to General Pershing?

Mr. REED. Yes. He gets no salary at all from the commission.

Mr. SMOOT. The Senator says if the \$200,000 is increased to \$275,000 it will be the last appropriation asked for?

Mr. REED. No; it will take \$125,000 more than that to finish the job. We can get along for the next 12 months with \$275,000, but we will have to have the \$125,000 to finish up next year.

Mr. SMOOT. In other words, the commission wanted the \$400,000.

Mr. REED. Yes; and we could finish up with that much, but we want to economize now and cut it down to \$275,000, and we will come back for the \$125,000 a year from now.

Mr. NORRIS. I would like to suggest to the Senator from Utah that he accept the proposal of the Senator from Pennsylvania.

Mr. SMOOT. Under the statement of the Senator from Pennsylvania I do not see how we can do anything else.

Mr. FLETCHER. Would it not be possible to bring in a deficiency appropriation to cover it?

Mr. SMOOT. The deficiency appropriation bill is very close at hand and we might as well do it now rather than take care of the \$75,000 in the deficiency bill.

Mr. McKELLAR. We could have a deficiency appropriation at the next session of Congress. All of the \$275,000 would not have to be spent before then. The Senator would not spend more than \$200,000 between now and January, for instance.

Mr. REED. But what is the use of making two bites of the cherry that we have to swallow? The contracts are already let.

Mr. McKELLAR. The principal reason is because we have a deficit of \$3,000,000,000 in the Treasury.

Mr. REED. That is true; and we are not going to spend the money one minute sooner or spend one cent more because of that fact. General Pershing is trying to hold down every penny of expense.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. REED. I yield.

Mr. KING. After expending \$400,000 more will the \$4,500,000 referred to in the bill be exhausted?

Mr. REED. No; we will still have kept a little bit within the limiting figure of our program.

Mr. KING. Then all the expenses incurred and to be incurred, plus the buildings which have been erected and which will be erected, will not exceed the \$4,500,000?

Mr. REED. They will not. The Senator will agree we have received our money's worth when he sees what has been done.

Mr. KING. The \$200,000 provided in the bill as reported by the committee is rather for expenses for traveling, and maps, and so forth?

Mr. REED. Oh, quite the contrary. At least 90 per cent of it covers payments to be made to the contractors for the buildings. There is very little of it for traveling expenses.

Mr. NORRIS. I think Senators get an erroneous idea from the language because they figure that the \$4,500,000 is an appropriation when as a matter of fact it is only an authorization. The only money the commission has and that it can use is the money provided for in the appropriation here to be made.

Mr. REED. That is true.

Mr. NORRIS. That applies to expenses and buildings and to everything. The only money they get is that which is now provided in this particular appropriation.

Mr. REED. That is correct.

Mr. NORRIS. Then the limitation of \$4,500,000 is practically meaningless.

Mr. SMOOT. So far as I am able, I am perfectly willing to accept the \$275,000.

Mr. REED. Then, I move to amend the committee amendment in line 2, on page 5, by striking out "\$200,000" and inserting in lieu thereof "\$275,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the heading "Arlington Memorial Bridge Commission," on page 6, line 14, after the figures "\$50," to strike out the colon and the following additional proviso:

Provided further, That no part of this appropriation shall be used to pay for the cost of reconstructing and paving Constitution Avenue east of Virginia Avenue, as provided in the approved project, except for such portions as may abut upon Government-owned property, and not in excess of 40 per cent of the cost of such reconstructing and paving of that portion of the said street which so abuts.

The amendment was agreed to.

Mr. KING. Mr. President, before we leave the Alien Property Custodian item I wish to ask my colleague whether there was any evidence before the subcommittee or the full committee as to the work of the Alien Property Custodian, how nearly completed it is, and why that organization is so immortal as to be continued three years after the period when it was alleged it would cease to function?

Mr. SMOOT. Mr. President the Senator must remember that when the question was under consideration at the time the last appropriation bill was before the Senate, about a year or so ago, it was stated that it would be at least two or three years before the work of the Alien Property Custodian would be finally concluded. I may say that they are doing everything they can to complete the work, but the Senator will also remember that Congress amended the law so as to place under the Alien Property Custodian another class of claims, and, of course, all those have to be investigated. I hope that the work of the custodian's office may be concluded within a year and a half.

Mr. KING. I should like to ask one other question. Who audits the accounts and determines the number of employees who may be maintained by the Alien Property Custodian?

Mr. SMOOT. That is supposed to be done by the Alien Property Custodian. I know, as I suppose the Senator does, that there have been a great many employees of that organization whose services have been dispensed with.

Mr. KING. I knew a number had been eliminated a year or two ago, but I did not know whether during the past year there had been any reduction in the force.

Mr. McKELLAR. Mr. President, the Senator from Utah and I came here about the same time, although perhaps, considering my service in the House, I have been in Congress a little longer. However, during the 20 years I have been here the only recollection I have of any bureau of any kind or description the work of which has ever been finally completed has been the Council of National Defense, and it took me three years of hard work to stop them.

The reading of the bill was resumed. The next amendment was, under the heading "Board of Mediation," on page 7, line 7, after the name "District of Columbia," to strike out "\$151,135" and insert—

\$115,000, and in addition thereto there is hereby reappropriated and made available for this purpose for the fiscal year 1933, \$30,000 of the combined unexpended balances of the appropriations for the fiscal years 1930 and 1931 for arbitration and emergency boards.

So as to read:

BOARD OF MEDIATION

For five members of the board, at \$12,000 each, and for other authorized expenditures of the Board of Mediation in performing the duties imposed by law, including personal services; contract stenographic reporting services without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); supplies and equipment; law books and books of reference; not to exceed \$200 for newspapers; periodicals; traveling expenses; rent of quarters in the District of Columbia, if space is not provided by the Public Buildings Commission, and rent of quarters outside the District of Columbia, \$115,000, and in addition thereto there is hereby reappropriated and made available for this purpose for the fiscal year 1933, \$30,000 of the combined unexpended balances of the

appropriations for the fiscal years 1930 and 1931 for arbitration and emergency boards, of which amount not to exceed \$117,000 may be expended for personal services in the District of Columbia.

Mr. SMOOT. I ask that the amendment in italics be disagreed to.

Mr. KING. That is fine.

Mr. SMOOT. It is provided for in another place, I will say to the Senator.

Mr. McKELLAR. The Senator does not mean to disagree to the amendment inserting \$115,000?

Mr. SMOOT. No; I mean the amendment in italics after the numerals "\$115,000."

Mr. McKELLAR. The amendment reducing the appropriation remains while the other portion of the amendment is stricken out?

Mr. SMOOT. Yes.

Mr. McKELLAR. That is entirely satisfactory.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah to the amendment of the committee on page 7 beginning in line 7.

Mr. McKELLAR. I ask to have stated the part of the amendment to be stricken out.

The PRESIDING OFFICER. The portion of the amendment proposed to be stricken out will be stated.

The Chief Clerk read as follows:

And in addition thereto there is hereby reappropriated and made available for this purpose for the fiscal year 1933, \$30,000 of the combined unexpended balances of the appropriations for the fiscal years 1930 and 1931 for arbitration and emergency boards.

Mr. KING. And a period should be inserted instead of the comma after the numerals "\$115,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COPELAND. Mr. President, as I understand the amendment, if as adopted, it merely strikes out the language in italics.

Mr. SMOOT. The language in italics following the numerals "\$115,000."

The reading of the bill was resumed. The next amendment was, on page 8, line 13, to reduce the total appropriation for the Board of Mediation from \$152,135 to \$116,000.

The amendment was agreed to.

The next amendment was, under the heading "Board of Tax Appeals," on page 9, line 1, after the word "supplies," to strike out "\$590,000" and insert "\$530,000," and in line 2, after the word "exceed," to strike out "\$534,100" and insert "\$481,000," so as to read:

For every expenditure requisite for an incident to the work of the Board of Tax Appeals as authorized under Title IX, section 900, of the revenue act of 1924, approved June 2, 1924, as amended by Title X of the revenue act of 1926, approved February 26, 1926, and Title IV of the revenue act of 1928, approved May 29, 1928, including personal services and contract stenographic reporting services to be obtained by renewal of existing contract, or otherwise, rent outside the District of Columbia, traveling expenses, car fare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, \$530,000, of which amount not to exceed \$481,000 may be expended for personal services in the District of Columbia.

Mr. KING. I inquire of my colleague why this large sum is required for the Board of Tax Appeals? It seems to me that is a very large sum. We have in some of the States courts of appeal and supreme courts with 5 or 8 or 10 judges, and yet we are appropriating more for the Board of Tax Appeals than is appropriated in many of the States for their courts of appellate jurisdiction, with personnel as large or, in any event, not very much less than that of this board.

Mr. SMOOT. I will say to the Senator that the appropriation for the Board of Tax Appeals last year was \$653,640. We have reduced that amount to \$560,000. The estimate for the board this year was \$635,000. We have, as I have said, reduced it down to \$560,000.

Mr. KING. The Senator from Michigan [Mr. COUZENS] and the leader upon the other side and myself were mem-

bers of the committee of five that had to do with the creation of the Board of Tax Appeals. I do not think any of us conceived that the annual cost of this organization would be as much as the sum carried in this bill. I supposed that the salaries of the members of the board and a few experts and possibly stenographers to aid them would be the aggregate cost, and that it would not exceed one hundred and fifty or two hundred thousand dollars. I am rather surprised at the large proportions of the appropriation asked for.

Mr. SMOOT. I wish to say that the sum proposed to be appropriated is a reduction below the appropriation of last year of \$93,640.

Mr. McKELLAR. Mr. President, I call the Senator's attention to the appropriation for the Supreme Court of the United States, which in the aggregate is \$280,500 or less than one-half of the appropriation proposed by this bill for the Board of Tax Appeals. That shows that the Supreme Court pays out no more money than it is required to pay; it is not extravagant; it is conservative and saving of the people's money and does not make requirements like the Board of Tax Appeals, which is young in the business and is asking for everything in sight.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. KING. Mr. President, I just wish to make one concluding remark, that in the next appropriation bill I hope the item for the Board of Tax Appeals will be more carefully scrutinized and that there will be economies that are not manifest in the bill before us.

The reading of the bill was resumed. The next amendment was, on page 9, line 6, to reduce the appropriation for all printing and binding for the Board of Tax Appeals, from \$35,000 to \$30,000.

The amendment was agreed to.

ENTERTAINMENT EXPENSES OF THE FOREIGN SERVICE

Mr. JONES. Mr. President, I have a letter which I have just received from the Secretary of State which I feel must be read into the RECORD.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE,
Washington, June 24, 1932.

The Hon. WESLEY L. JONES,
Chairman of the Committee on Appropriations,

United States Senate.

MY DEAR SENATOR: There has been brought to my attention a statement, that appears on page 13888 of the CONGRESSIONAL RECORD of June 20, 1932, which, because it is wholly without foundation and may completely mislead the public in regard to the expenditures of the Department of State, I feel certain you will agree, requires speedy correction. The statement is reported to have been made by a Senator, and is as follows:

"There was a recommendation for an appropriation for the State Department of \$400,000 for wine for foreign embassies. It was said that ambassadors and ministers of the United States in foreign countries appeared to better advantage when they had wine at their dinner parties. So we had a wine bill of \$400,000.

"When the Appropriations Committee cut it out the most earnest plea came from the State Department, 'For Heaven's sake, save our wine. We can not get along with our European neighbors and our foreign neighbors unless we serve them wine when they come to see us and when we give them dinner parties.' Think of it. There are 10,000,000 people out of employment in the United States, and yet the Government is spending \$400,000 for wine for our ambassadors to entertain. Oh Mr. President, 'willful waste makes woeful want' is an old saying; and if we continue this waste, this extravagance, this turning over of these immense sums to boards that squander it and throw it away and misuse it, there will come a day of reckoning just as sure as we sit here."

There has never been made, within the recollection of any officer now in this department, a recommendation to Congress for an appropriation for wine or other intoxicating liquors for any officer of the United States abroad or for the department at home. There have not been made and there are not now being made from appropriations under the control of the department any expenditures for wines or other alcoholic beverages. The Department of State has made no plea of any description to the Appropriations Committee of either House such as that described in the statement quoted.

The appropriation which was evidently in the mind of the Senator who made the statement quoted above was the appropriation

for representation allowances, since that is the only appropriation made for expenses of representation. The amount of that appropriation for the current year is \$125,000 and not \$400,000, as stated, and no amount is provided for the next fiscal year. The regulations controlling the expenditure of that appropriation are clear and unmistakable. The regulations prescribed by the President (Executive Order No. 5643, dated June 8, 1931), a copy of which is inclosed, provide that—

"Representation allowances may not be used for expenses in connection with any of the following subjects:

"4. Purchase of alcoholic beverages."

The provisions of this order have been strictly and invariably observed with respect to this particular appropriation, and the same principles have been applied to expenditures from every appropriation under the control of this department.

This is not the first time during the present session of Congress that statements have been made in debate in the Senate that appropriations requested by the Department of State for the legitimate expenses of carrying on the foreign relations of the Government and protecting American interests in foreign countries have been expended for the purchase of alcoholic beverages for representatives of this country abroad. Such unfounded statements wholly contrary to the facts are likely to mislead the public and be prejudicial to this department unless they can be effectually corrected. In order that the denial of the truth of the statements which I have quoted may be made a matter of record in as public a manner as the statements themselves, I would greatly appreciate it if this letter could be prominently printed in the CONGRESSIONAL RECORD before the close of the present session. It seems to me that such a step is called for by the circumstances.

Sincerely yours,

HENRY L. STIMSON.

Mr. JONES. Mr. President, I have a copy of the Executive order referred to in this letter, and I ask that that may be printed in the RECORD in connection with the letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EXECUTIVE ORDER—REGULATIONS GOVERNING REPRESENTATION AND POST ALLOWANCES

In pursuance of the authorization contained in section 19 of the act of February 23, 1931 (46 Stat. 1209), which reads as follows:

"Sec. 19. That under such regulations as the President may prescribe, and within the limitations of such appropriations as may be made therefor, which appropriations are hereby authorized, ambassadors, ministers, diplomatic, consular, and Foreign Service officers may be granted allowances for representation; and also post allowances wherever the cost of living may be proportionately so high that in the opinion of the Secretary of State such allowances are necessary to enable such diplomatic, consular, and Foreign Service officers to carry on their work efficiently: *Provided*, That all such allowances shall be accounted for to the Secretary of State in such manner and under such rules and regulations as the President may prescribe and the authorization and approval of such expenditures by the Secretary of State, as complying with such rules and regulations, shall be binding upon all officers of the Government: *Provided further*, That the Secretary of State shall report all such expenditures annually to the Congress with the Budget estimates of the Department of State."

The following regulations are hereby prescribed to supersede the regulations established by Executive order dated July 22, 1930, which order is hereby canceled:

PURPOSES OF ALLOWANCES

The purposes for which these allowances are granted are (1) in the case of representation allowances, the assistance in the establishment and maintenance of official contacts, the upholding of the prestige of the United States in the communities in which its representatives are stationed, and the furtherance of its interests abroad in the ways recognized as customary in various parts of the world, and (2) in the case of post allowances, the supplementing of official income of officers wherever the cost of living is proportionately so high that these allowances are necessary to enable such officers to carry on their work efficiently.

SCOPE OF ALLOWANCES

Representation allowances are considered to include the following items:

1. Receptions on American national holidays.
2. Functions, formal or informal, such as receptions, dinners, and luncheons, given upon special occasions such as the usual official receptions incident to visits of United States naval vessels or of special commissions, or upon some other important happening, providing the means of reciprocating official courtesies received, either at a representative's home or at public places.
3. Tips and gratuities in accordance with custom in the various countries where such gratuities are, in the opinion of the representative, necessary or desirable for the maintenance of the prestige of the United States.
4. Purchases of flowers, wreaths, etc., upon appropriate occasions such as weddings, births, and deaths of important personages.
5. Expenses for entertainment of other kinds than that provided for in paragraphs 1 and 2 when considered reasonable and desir-

able by the Secretary of State, provided that such expenses are shown to be for activities of representative importance.

6. Any other expenses which in the discretion of the Secretary of State are of a character to promote the representation of the United States abroad.

Post allowances are granted for the following purpose:

7. Assistance in adjusting official incomes at certain posts to the ascertained cost of living at such posts.

APPORTIONMENT OF ALLOWANCES

The Secretary of State is hereby authorized to make such allowances within the amounts appropriated from year to year to such diplomatic, consular, or Foreign Service officers as he may deem desirable to accomplish the purposes for which such allowances are granted.

ACCOUNTING

Detailed accounts shall be submitted monthly as to the expenditures made from representation allotments and the purposes for which they were made. Supporting vouchers shall be supplied in all cases for expenditures over \$5 made under paragraphs 1, 2, 4, and 5 of the section of this order entitled "Scope of allowances." A specific exception to this requirement is made under paragraph 2, where a function takes place at a representative's home. Vouchers need be submitted in this case only where a caterer or similar purveyor is called upon. In other cases an officer's certificate as to expenditures made in this connection will be sufficient. In all cases of receptions, dinners, and other entertainment, sufficient information should be included in the account to show the total cost per capita, which shall constitute sufficient detail for accounting purposes.

With regard to expenditures under paragraphs 3 and 6 of the section mentioned above, the amounts expended shall be supported by certificates of the officer in charge, except that where any expenditure exceeds \$15, a supporting voucher must be obtained.

The amount available to any officer should normally be divided into four equal parts, to be availed of to that extent every three months. This will permit an expenditure of more than one-twelfth of the fund in any one month but will nevertheless prevent a too early exhaustion of the fund. If more than one-fourth is spent in any three months, an explanation should accompany the account for such excess expenditure.

Due to express provisions of law, representation allowances may not be used for expenses in connection with any of the following objects:

1. Hire, purchase, operation, maintenance, or repair of any motor-propelled passenger-carrying vehicles.
2. Club or association dues.
3. Printing or engraving expenses.
4. Purchase of alcoholic beverages.

According to law, competitive bids must be obtained for all expenditures in excess of \$100, except where it is manifestly impossible to obtain such bids, in which case the circumstances rendering impossible the submission of such bids must be completely set forth.

The utmost care shall be exercised in the submission of the accounts for this fund, under the provisions of this order. The character of the appropriation is such that it is incumbent upon each officer in the field who has charge of the expenditure of this appropriation to make certain that the items for which he spends the money are amply justified.

A post allowance granted to an officer is available only during the part of the fiscal year in which he remains within the district to which he is assigned. In no case may an officer be entitled to more than one-twelfth of his yearly allowance in any one month, fractional months to be prorated similarly, unless otherwise specifically authorized by the Secretary of State.

The receipts of officers for post allowances allotted to them under paragraph 7 of the section of this order entitled "Scope of Allowances" will be submitted on standard Forms Nos. 275 and 275a with the regular accounts of the office to which the officer receiving the allowance is attached; and while itemization of expenditures made from such allowances is not necessary, it is incumbent upon each officer in the field to whom an allowance is made to utilize it to assist him in maintaining a standard of living that will permit him to carry on his work efficiently, as prescribed in the statute quoted above.

This order shall become effective July 1, 1931.

HERBERT HOOVER.

THE WHITE HOUSE, June 8, 1931.

Mr. HAWES. Mr. President, that is a very serious charge against the State Department; but personally I was hoping that there might be some element of truth in it, because in every embassy and ministry throughout the world we find that without exception—last of all little Finland has changed—there can be no pleasant contact at a banquet or at a private home unless an American has his cocktail or his wine.

I do not believe American diplomacy would be successful outside of America in any country in the world where our representatives tried to do things antagonistic to the customs of the country. In the entire world, with the exception of Turkey—even including the Philippine Islands, where our

flag floats, where they have their breweries and their bars and their drinks—there is only one nation in the world where prohibition is even attempted to be enforced.

How can a diplomat from the United States represent our country, and do it in diplomatic fashion, without in some way deferring to the customs of the country? Frequently our Americans change the style of their trousers, and wear short pants because it is the custom of the country. If we send our diplomats abroad, and they want to converse with the statesmen of the world, if they are put down as prohibitionists a bar immediately arises which makes intimate and effective personal contact impossible.

I think possibly the Secretary of State is right in stating that the United States has not spent the sum of money referred to; but I should be very much disappointed in our foreign diplomacy if the representatives of our Government did not, out of their own pockets, spend an amount of money equal to that charged to the Secretary of State.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 10022) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1933, and for other purposes.

The reading of the bill was resumed.

The next amendment was, on page 9, line 7, to reduce the total appropriation, Board of Tax Appeals, from \$625,000 to \$560,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Efficiency," on page 9, line 15, after the words "in all," to strike out "\$199,440" and insert "\$150,000," and in line 16, after the word "exceed," to strike out "\$193,720" and insert "\$145,000," so as to read:

For chief of bureau and other personal services in the District of Columbia; contract stenographic reporting services; contingent expenses, including traveling expenses; supplies, stationery; purchase and exchange of equipment; not to exceed \$100 for law books, books of reference, newspapers, and periodicals; and not to exceed \$150 for street-car fare; in all, \$150,000, of which amount not to exceed \$145,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 9, line 20, to reduce the total appropriation for the Bureau of Efficiency from \$199,940 to \$150,500.

The amendment was agreed to.

The next amendment was, under the heading "Civil Service Commission," on page 9, line 23, after the name "District of Columbia," to strike out "\$772,080" and insert "716,000," so as to read:

Salaries: For three commissioners and other personal services in the District of Columbia, \$716,000.

The amendment was agreed to.

The next amendment was, on page 9, line 24, to reduce the appropriation for salaries of the field force, Civil Service Commission, from \$483,270 to \$452,270.

Mr. COUZENS. Mr. President, I should like to know why the appropriation for the field service is so large, in view of the fact that we are laying off employees instead of having examinations for more employees. It seems to me that that item is excessive under the present conditions.

Mr. SMOOT. Mr. President, last year we appropriated \$557,540 for the same work. We have cut that down to \$452,270.

Mr. COUZENS. What is the excuse for maintaining all of these field agents at this time? Just what do they do?

Mr. SMOOT. They hold all the examinations in every city in the United States.

Mr. COUZENS. Yes; but what is the purpose of holding all of these examinations when we are laying off employees and reducing employees? Where are all the new jobs to be filled that require \$450,000 for examinations?

Mr. SMOOT. They keep up these examinations so that whenever eligibles are called for they have them. They are held for two years, Mr. President. As long as they are on

the civil-service roll, they are there for two years. The field force keep these up every year so as to take care and have each one of the eligibles on the roll for two years' time.

Mr. COUZENS. How many employees are involved in this appropriation of \$452,000?

Mr. SMOOT. There are about 222 positions in the whole field service of the Nation.

Mr. COUZENS. Two hundred and twenty-two field positions?

Mr. SMOOT. Two hundred and twenty-two field positions.

Mr. COUZENS. To hold examinations and add to lists that are already crowded with eligibles waiting for jobs?

Mr. SMOOT. Well, of course they keep them up. They always have done it.

Mr. COUZENS. That is the point I am making. The Senator says that because they have always done it, it should be done now. That is the way the whole Government service is run. Because something always has been done, it must continue to be done.

Mr. SMOOT. Mr. President, the Senator would not want to go for two years without an appropriation for this purpose and have no eligible lists whatever, would he?

Mr. COUZENS. I think if we did not have any eligible lists for a year we would be very fortunate, because we never could use those that have already passed the examinations.

Mr. President, I move that the amount appropriated for this purpose be cut to \$200,000.

The PRESIDING OFFICER. The Senator from Michigan proposes an amendment in lieu of the committee amendment which will be stated.

The CHIEF CLERK. On page 9, line 25, in lieu of the committee amendment, the Senator from Michigan proposes to insert: "\$200,000."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. KING. Mr. President, may I have the attention of my colleague? I was called from the Chamber a moment ago to answer the telephone, and I wanted to discuss the question of the Bureau of Efficiency. I have a bill pending for its abolition, and I understood that the Senator from Tennessee had moved to strike out the entire item. It was passed during my absence. I ask that to-morrow I may have a chance to reconsider that matter.

Mr. SMOOT. Mr. President, I will say to my colleague that I sincerely hope such a thing as that will not happen. If we have any bureau that is trying to save money for the Government of the United States, it is the Bureau of Efficiency.

Mr. KING. I differ from my colleague. I was quite an earnest advocate of the Bureau of Efficiency for a number of years; but when I found that it had become merely a legislative investigating committee instead of an efficiency organization I changed my mind.

Mr. SMOOT. I hope my colleague will not blame that on the Bureau of Efficiency, because there has been no investigation made but that has been ordered by Congress, either the Senate or the House. All of that extra work that was done was done by order of one House or the other.

Mr. WALSH of Massachusetts. Mr. President, can not this matter be discussed to-morrow, in connection with the motion to reconsider?

Mr. KING. Yes; I have no objection.

The PRESIDING OFFICER. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 11, line 2, to strike out "\$76,000" and insert "\$41,000," so as to read:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, and for expenses of examinations and investigations held elsewhere than at Washington and including not exceeding \$1,000 for expenses of attendance at meetings of public officials when specifically directed by the commission, \$41,000.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the word "for," to strike out "\$35,000" and insert "\$25,000," so as to read:

For contingent and miscellaneous expenses of the Civil Service Commission, including furniture and other equipment and repairs thereto; supplies; advertising; telegraph, telephone, and laundry service; freight and express charges; street-car fares not to exceed \$300; stationery; purchase and exchange of law books, books of reference, directories, subscriptions to newspapers and periodicals, not to exceed \$1,000; charts; purchase, exchange, maintenance, and repair of motor trucks, motor cycles, and bicycles; garage rent; postage stamps to prepay postage on matter addressed to Postal Union countries; special-delivery stamps; and other like miscellaneous necessary expenses not hereinbefore provided for, \$25,000.

The amendment was agreed to.

The next amendment was, on page 11, line 19, after the word "elsewhere," to strike out "\$54,000" and insert "\$40,000," so as to read:

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, \$40,000.

The amendment was agreed to.

The next amendment was, on page 11, line 20, to reduce the total appropriations for the Civil Service Commission from "\$1,460,720" to "\$1,314,640."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I ask unanimous consent that the clerks be instructed to correct all totals, because right along there will be corrections made.

The PRESIDING OFFICER. Without objection, that order will be made.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Commission of Fine Arts," on page 12, line 6, after the word "commission," to strike out "\$9,475" and insert "\$7,500," and in line 7, after the word "exceed," to strike out "\$6,200" and insert "\$5,000," so as to read:

For expenses made necessary by the act entitled "An act establishing a Commission of Fine Arts," approved May 17, 1910 (U. S. C., title 40, sec. 104), including the purchase of periodicals, maps, and books of reference, and payment of actual traveling expenses of the members and secretary of the commission in attending meetings and committee meetings of the commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the commission, \$7,500, of which amount not to exceed \$5,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 12, line 11, to reduce the total appropriation for the Commission of Fine Arts from \$9,775 to \$7,800.

The amendment was agreed to.

The next amendment was, under the heading "Employees' Compensation Commission," on page 12, line 24, after the word "items," to strike out "\$466,026" and insert "\$425,000," so as to read:

For three commissioners and other personal services in the District of Columbia, including not to exceed \$1,000 for temporary experts and assistants in the District of Columbia and elsewhere, to be paid at a rate not exceeding \$8 per day, and for personal services in the field; for furniture and other equipment and repairs thereto; law books, books of reference, periodicals; stationery and supplies; traveling expenses; fees and mileage of witnesses; contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent at the seat of government and elsewhere; and miscellaneous items, \$425,000.

The amendment was agreed to.

The next amendment was, on page 13, line 2, to reduce the appropriation for all printing and binding for the Employees' Compensation Commission, from \$8,000 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 13, line 18, to reduce the appropriation for the Employees' Compensation Commission, from \$4,924,026 to \$4,880,000.

The amendment was agreed to.

The next amendment was, under the heading "Federal Board for Vocational Education," on page 14, line 23, before

the word "of," to strike out "\$93,805" and insert "\$85,000," and in line 24, after the word "exceed," to strike out "\$65,000" and insert "\$59,000," so as to read:

Salaries and expenses: For carrying out the provisions of section 2 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories," approved February 5, 1929 (U. S. C., Supp. V, title 20, secs. 15b, 15c), \$85,000, of which amount not to exceed \$59,000 may be expended for personal services in the District of Columbia.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Utah what the appropriation for this item on line 23 was in the last appropriation bill?

Mr. SMOOT. Mr. President, it was \$94,380.

Mr. LA FOLLETTE. And how much was it reduced by the House—only \$1,000?

Mr. SMOOT. The House gave them the estimate of \$93,805. That was the estimate, Mr. President.

Mr. LA FOLLETTE. The Senate committee has reduced it to \$85,000?

Mr. SMOOT. It reduced it to \$85,000. We reduced the District of Columbia proportionately, as the Senator will see.

Mr. LA FOLLETTE. My understanding is that that is a very drastic cut in percentages. Am I correct about that?

Mr. SMOOT. No; as little as there is in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The next amendment was, on page 16, line 4, after the word "expenses," to strike out "\$77,860" and insert "\$65,000," and in line 5, after the word "exceed," to strike out "\$56,880" and insert "\$47,000"; so as to read:

Salaries and expenses: For making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by the act of June 2, 1920 (U. S. C., title 29, sec. 35), as amended by the act of June 5, 1924 (U. S. C., title 29, sec. 31), and the act of June 9, 1930 (U. S. C., Supp. V, title 29, secs. 31, 40), including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere, as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders; including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia, and elsewhere, purchase of books of reference, law books, and periodicals, newspapers not to exceed \$50, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding, and all other necessary expenses, \$65,000, of which amount not to exceed \$47,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 16, at the end of line 15, to strike out "\$14,740" and insert "\$12,000"; so as to read:

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia," approved February 23, 1929 (U. S. C., Supp. V, title 29, secs. 47-47e), \$12,000.

The amendment was agreed to.

The next amendment was, on page 17, line 4, to strike out "\$105,000" and insert "\$75,000," so as to read:

For extending to Porto Rico the benefits of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917 (U. S. C., title 20, secs. 11-18), in accordance with the provisions of the act entitled "An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico," approved March 3, 1931 (U. S. C., title 20, secs. 11-18; title 29, secs. 31-35; U. S. C., Supp. V, title 20, sec. 30), \$75,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to strike out:

Appropriations available to the Federal Board for Vocational Education for salaries and expenses shall be available for expenses of attendance at meetings of educational associations and other organizations which in the discretion of the board are necessary for the efficient discharge of its responsibilities.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I send to the desk an amendment at this point.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 17, lines 18 and 19, to strike out the words "and clippings," so as to read:

FEDERAL FARM BOARD

For salaries and expenses in accordance with the provisions of the agricultural marketing act, approved June 15, 1929, and the act creating a Division of Cooperative Marketing in the Department of Agriculture, approved July 2, 1926, including stenographic reporting services to be obtained by the board through the civil service, by contract, or otherwise; not to exceed \$750 for newspapers.

Mr. SMOOT. Items were carried in former bills authorizing the purchase of newspaper clippings. The committee decided that we would stop that, and this is the first place where we are striking out the authorization. There will be three or four others in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I wish to enter a motion to reconsider the votes whereby the committee amendments on pages 14, 15, 16, and down to and including line 10 on page 17 have been agreed to. My information does not agree with that given me by the Senator from Utah, and I wish to look into the amendments. I therefore desire to protect my parliamentary status.

The PRESIDING OFFICER. The motion will be entered.

The clerk will state the next amendment.

The next amendment was, under the heading "Federal Farm Board," on page 18, line 20, after the words "expenses," to strike out "\$1,000,000" and insert "all unexpended balances of appropriations for the Federal Farm Board are hereby made available for the purposes enumerated in this paragraph," so as to read:

For salaries and expenses in accordance with the provisions of the agricultural marketing act, approved June 15, 1929, and the act creating a Division of Cooperative Marketing in the Department of Agriculture, approved July 2, 1926, including stenographic reporting services to be obtained by the board through the civil service, by contract or otherwise; not to exceed \$750 for newspapers, and clippings; membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; manuscripts, data, and special reports by purchase or by personal services without regard to the provisions of any other act; to procure supplies and services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) when the aggregate amount involved does not exceed \$50; purchase and exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motor trucks to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; garage rental in the District of Columbia and elsewhere; traveling expenses, including attendance at meetings concerned with the work of the Federal Farm Board; payment of actual transportation expenses and not to exceed \$10 per diem to cover subsistence and other expenses while in conference and en route from and to his home to any person other than an employee or a member of an advisory commodity committee whom the board may from time to time invite to the city of Washington and elsewhere for conference and advisory purposes in furthering the work of the board; the employment of persons, firms, and others for the performance of special services, including legal services and other miscellaneous expenses; all unexpended balances of appropriations for the Federal Farm Board are hereby made available for the purposes enumerated in this paragraph.

Mr. BINGHAM. Mr. President, I desire to ask the Senator from Utah whether it is true that the cuts made in the Federal Farm Board appropriation will necessitate the discharge of a considerable number of minor employees. I have been informed that under the statute the higher-paid employees will of necessity hold their jobs, and that the cut will mean that a considerable number of clerical help, people who are engaged in working many hours overtime, will be stricken from the roll.

Mr. SMOOT. Mr. President, the Senator from South Carolina [Mr. BYRNES] has the details in regard to this matter, I am quite sure, because he presented the subject to the committee, and the understanding was that if question were raised in regard to it on the floor I was to ask him to state the facts.

Mr. McNARY. Mr. President, I am advised that there will be some controversy over this amendment. I think probably it should go over until to-morrow, and that we might take a recess now until to-morrow at 11 o'clock.

Mr. BYRNES. Mr. President, I desire to offer an amendment to the committee amendment, and in order that it may be pending I offer it at this time.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 18, line 21, after the word "board," the Senator from South Carolina proposes to insert the following words, "not exceeding \$600,000."

The PRESIDING OFFICER. The amendment to the amendment will be pending.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States, submitting sundry nominations, which were referred to the appropriate committees.

CONFIRMATION OF JUDGE PHILLIP FORMAN—NOTIFICATION OF PRESIDENT

Mr. KEAN. Mr. President, as in executive session, I ask unanimous consent that the President may be notified of the action of the Senate yesterday in confirming the nomination of Phillip Forman to be United States district judge, district of New Jersey. I am very anxious that the President shall be notified so that Judge Forman may go upon the bench and the people may have an opportunity to bring their cases before him.

Mr. McNARY. Mr. President, the rule requires that there shall be two executive sessions before the President is notified of a confirmation, and the Senator from New Jersey is simply asking that the President be notified immediately.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

RECESS

Mr. McNARY. Mr. President, as in legislative session, I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 50 minutes p. m.) took a recess until to-morrow, Saturday, June 25, 1932, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 24, 1932

UNITED STATES ATTORNEY

Harlan Besson, of New Jersey, to be United States attorney, district of New Jersey, to succeed Phillip Forman, nominated to be United States district judge, district of New Jersey.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY TO COAST ARTILLERY CORPS

First Lieut. Willard Lamborn Wright, Field Artillery, with rank from November 1, 1930.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Edward Raymond Coppock, Field Artillery, from June 20, 1932.

To be lieutenant colonel

Maj. Harry Bowers Crea, Infantry, from June 20, 1932.

To be major

Capt. John Matthew Devine, Field Artillery, from June 20, 1932.

To be captain

First Lieut. Handy Vernon Brown, Infantry, from June 20, 1932.

To be first lieutenant

Second Lieut. John Albert Dabney, Infantry, from June 20, 1932.

MEDICAL CORPS

To be colonels

Lieut. Col. Albert Gallatin Love, Medical Corps, from June 20, 1932.

Lieut. Col. Harold Wellington Jones, Medical Corps, from June 20, 1932.

Lieut. Col. Mathew Aaron Reasoner, Medical Corps, from June 20, 1932.

Lieut. Col. Lucius Locke Hopwood, Medical Corps, from June 20, 1932.

Lieut. Col. Charles Ernest Freeman, Medical Corps, from June 20, 1932.

To be captains

First Lieut. Robert Edwin Peyton, Medical Corps, from June 16, 1932.

First Lieut. Robert Edward Lee, Medical Corps, from June 16, 1932.

First Lieut. John Horace Fountain, Medical Corps, from June 17, 1932.

First Lieut. Clement Franklin St. John, Medical Corps, from June 18, 1932.

First Lieut. Harold Hanson Twitchell, Medical Corps, from June 18, 1932.

VETERINARY CORPS

To be majors

Capt. Raymond Thomas Seymour, Veterinary Corps, from June 17, 1932.

Capt. Oscar Charles Schwalm, Veterinary Corps, from June 18, 1932.

POSTMASTERS

CONNECTICUT

Frederick A. Minnerly to be postmaster at Short Beach, Conn., in place of F. W. Foster, deceased.

GEORGIA

William Renfroe to be postmaster at Lumber City, Ga., in place of G. A. Renfroe, deceased.

KENTUCKY

Calvin H. Cash to be postmaster at Big Clifty, Ky., in place of S. A. Calvert. Incumbent's commission expired May 8, 1932.

Grant North to be postmaster at Hustonville, Ky., in place of Grant North. Incumbent's commission expired February 28, 1931.

MARYLAND

Charles F. Noble to be postmaster at Preston, Md., in place of C. N. Payne. Incumbent's commission expired May 26, 1932.

MISSISSIPPI

Leslie M. Harriman to be postmaster at Summit, Miss., in place of T. L. Cotten. Incumbent's commission expired December 17, 1931.

Annie K. Mauldin to be postmaster at Water Valley, Miss., in place of A. K. Mauldin. Incumbent's commission expired December 17, 1931.

NEW HAMPSHIRE

George P. Furbush to be postmaster at Rochester, N. H., in place of G. P. Furbush. Incumbent's commission expired January 5, 1932.

NEW YORK

Joseph Hrabovsky to be postmaster at Castle Point, N. Y., in place of S. M. Todd, removed.

OHIO

Walter E. Carter to be postmaster at Bainbridge, Ohio, in place of T. H. Sapp. Incumbent's commission expired February 17, 1931.

Joseph T. Scheutle to be postmaster at Beaver, Ohio, in place of J. T. Scheutle. Incumbent's commission expired December 15, 1931.

Harry R. Hebblethwaite to be postmaster at Berlin Heights, Ohio, in place of H. R. Hebblethwaite. Incumbent's commission expired April 9, 1932.

Everett Cole to be postmaster at Botkins, Ohio, in place of L. E. Blakeley, removed.

Charles R. Ames to be postmaster at Bryan, Ohio, in place of C. R. Ames. Incumbent's commission expired March 1, 1932.

Clyde W. Phillips to be postmaster at West Lafayette, Ohio, in place of W. E. Reed. Incumbent's commission expired December 17, 1931.

PENNSYLVANIA

Benjamin P. Dawkins to be postmaster at Oakmont, Pa., in place of F. A. Householder, deceased.

SOUTH CAROLINA

Mamie L. Bush to be postmaster at Ellenton, S. C., in place of C. L. Knight. Incumbent's commission expired May 7, 1932.

Lucie S. Hope to be postmaster at Union, S. C., in place of M. A. Peake, removed.

SOUTH DAKOTA

Alfred C. Schroeder to be postmaster at Miller, S. Dak., in place of J. M. Williams. Incumbent's commission expired December 18, 1927.

TENNESSEE

Doyle M. England to be postmaster at New Tazewell, Tenn., in place of Garfield Russell. Incumbent's commission expired May 19, 1932.

John T. Christian to be postmaster at Smithville, Tenn., in place of J. H. Christian, resigned.

VIRGINIA

John J. Carper to be postmaster at Pearisburg, Va., in place of J. J. Carper. Incumbent's commission expired February 17, 1932.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 24, 1932

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Grant, our Heavenly Father, that the ministrations of Thy Spirit may so abide in us that they shall be creative and inspire in us a fine conception of God, of our fellow men, and of our duty to the public service. Bring us into most reverent accord with Thy redeeming law. By its discipline may we be brought into harmony with the Master's teachings. O may we appreciate more of Thy moral perceptions and discern more thoroughly the moral significance of human life. Bless us with the rare privilege of possessing them with clearness, fullness, and with force. Blessed Lord, all over our fair land build up men in honor, fidelity, self-government, self-denial, and in devotion to our institutions which make our country great and permanent. Amen.

The Journal of the proceedings of Wednesday, June 22, 1932, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 16, 1932:

H. R. 8907. An act to authorize the Secretary of the Treasury to acquire land adjoining Lawrence (Mass.) post-office site.

On June 17, 1932:

H. R. 4738. An act to incorporate the Disabled Veterans of the World War.